**State of Maine: Notice of Agency Rulemaking – September 9, 2020**

**PROPOSALS**

AGENCY: **29-255** – Secretary of State (SOS), **Maine State Archives**

CHAPTER NUMBERS AND TITLES:

**Ch. 1**, State and Local Government Agency Records Programs;

**Ch. 2**, State Records Center Facilities and Services;

**Ch. 3**, Imaging State Records; *and*

**Ch. 4**, Rules for the Public Use of Materials and Facilities in the Maine State Archives.

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2020-P181** *thru* **P184**

**BRIEF SUMMARY**: Statutory authority for these rule is 5 MRS ch. 6 §95. The language for 5 MRS, *An Act to Amend the Archives and Records Management Law*, has been revised; ch. 1 – 4 rules coincide with this Title and need to be revised as well.

**DETAILED SUMMARY:** Statutory authority for this Rule is 5 MRS ch. 6 §95. The language for 5 MRS, *An Act to Amend the Archives and Records Management Law*, has been revised; ch. 1 – 4 rules coincide with this Title and need to be revised as well.

**Ch. 1**, *State and Local Government Agency Records Programs*. This rule prescribes policies, standards, and procedures for the economical and efficient management of State records. The rule may be amended to comply with law and policy changes.

**Ch. 2**, *State Records Center Facilities and Services*. This rule prescribes policies, standards, and procedures to govern the custody, use and withdrawal of agency records transferred to State Records Center facilities. The rule may be amended to comply with law and policy changes.

**Ch. 3**, *Imaging State Records*. These rules provide (a) standards to be used by State agencies for imaging records; (b) criteria for using digital and microfilm copies; (c) standards for storing digital and microfilm copies of permanent records; and (d) information concerning digital and microfilm services available from the Maine State Archives. The rule may be amended to comply with law and policy changes.

**Ch. 4**, *Rules for the Public Use of Materials and Facilities in the Maine State Archives*. This rule includes the policies and procedures governing the public use of agency records, archives, and deposited records in the custody of the Maine State Archives. This rule also prescribes policies and procedures governing the public use of certain facilities in the Maine State Archives. The rule may be amended to comply with law and policy changes.

PUBLIC HEARING: none.

COMMENT DEADLINE: October 9, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / ARCHIVES RULEMAKING LIAISON: Tammy Marks, Maine State Archives, 230 State Street, Augusta, Maine 04330. Telephone: (207) 287-5799; (207) 287-5517. Email: [Tammy.Marks@Maine.gov](mailto:Tammy.Marks@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS ch. 6 §95

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

ARCHIVES WEBSITE: <https://www.maine.gov/sos/arc/> .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Scallops (2020-21 Season)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P185**

BRIEF SUMMARY: This proposed rule-making establishes the 2020-2021 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers would begin on December 7, 2020 and the last day of the season would be March 18, 2021. For Zone 1, a 60-day season for divers would start on November 17, 2020 and the last day of the season would be April 24, 2021. For Zone 2, a 70-day season for draggers would start on December 1, 2020 and the last day of the season would be March 31, 2021. For Zone 2, a 70-day season for divers would start on November 23, 2020 and the last day of the season would be April 24, 2021. For Zone 3, a 50-day season for draggers would begin on December 1, 2020 and the last day of the season would be March 24, 2021. For Zone 3, a 50-day season for divers would begin on December 3, 2020 and the last day of the season would be March 27, 2021.

Eastern Casco Bay (Zone 1) and Damariscotta River (Zone 1) are proposed as new Limited Access Areas for the 2020-2021 scallop season with reduced harvesting days. Western Casco Bay (Zone 1) is proposed to close under the targeted closures based on local depletion. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock would be open to harvest all days during January 2021, in addition to open Zone 2 calendar days throughout the season.

DMR would maintain the following Limited Access Areas: Western Penobscot Bay, Muscle Ridge, Whiting and Denny’s Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops would be maintained: Lower Muscle Ridge, Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: October 9, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: §§ 6171, 6722

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 41**, Atlantic Menhaden (2021 Program Update)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P186**

BRIEF SUMMARY: This proposed rulemaking establishes separate fishery harvest control rules for harvesting menhaden under a commercial menhaden fishing license and a noncommercial menhaden fishing license. Reporting requirements have been amended to reduce the frequency of submission of daily landings reports for noncommercial license holders from daily to weekly. Finally, the chapter has been reorganized for clarity.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: October 9, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: §§ 6171, 6502-C

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 34.06**, Recreational Groundfish Regulations

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P187**

BRIEF SUMMARY: On August 28, 2020, the Department of Marine Resources adopted an emergency rule in order to be consistent with a NOAA Fisheries federal rulemaking which was published on August 14th. The Department is proposing to incorporate the emergency changes via regular rulemaking. The proposed regulation applies to charter, party and recreational fishing vessels operating in state waters regarding Gulf of Maine cod and haddock. Gulf of Maine cod could only continue to be possessed on recreational fishing vessels, which per section 34.01 are exclusive of charter or party vessels, from September 15-September 30 inclusive, and April 1-April 14, inclusive. Charter or party vessels may possess Gulf of Maine cod from September 8-October 7, inclusive, and from April 1-April 14, inclusive. The proposal would also adopt the season for Gulf of Maine haddock such that haddock may be possessed on board a party, charter, and recreational fishing vessel from April 1-February 28. In addition to complying with federal law and incorporating an existing emergency rule into the regular rule, this proposal will increase recreational fishing opportunity in Maine State waters.

COMMENT DEADLINE: October 9, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: 50CFR 648.89(f)(3)

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 803**, Participating Local District Consolidated Retirement Plan

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P188**

BRIEF SUMMARY: This rule governs the Consolidated Plan for Participating Local Districts. Under the current rule, except with a time limited exception during the COVID-19 crisis, local districts may only join the Plan or change their plans effective July 1, or January 1. The proposed amendment permits local districts to make these changes at any time, and establishes the first of the month following the date that the agreement for participation is signed by the Executive Director and the authorized representative of the local district as the effective date of the change. The proposed amendment also makes a correction to the military service provision to align it with State law.

PUBLIC HEARING: None

COMMENT DEADLINE: October 16, 2020

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: [rulemaking@mainepers.org](mailto:rulemaking@mainepers.org) .

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MAINEPERS RULEMAKING LIAISON: Kathy J. Morin, Manager, Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3190. Email: [Kathy.Morin@mainepers.org](mailto:Kathy.Morin@mainepers.org) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §17103(4)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

MAINEPERS WEBSITE: <https://www.mainepers.org/> .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBER AND TITLE: **Ch. 258**, Control of Notifiable Diseases and Conditions Rule

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P189**

BRIEF SUMMARY: This routine technical rulemaking proposes to permanently establish the changes implemented on a temporary basis by emergency rule requiring designated health care facilities to report information related to emergency preparedness and responsiveness (i.e. the number and type of available beds, medical supply inventory, etc.) and clarifying the Department’s authority to directly access provider records through the state health information exchange described at 22 MRS §1711-C(18). Further amendments to this rule propose to: 1) add five additional disease conditions; 2) modify the existing notification for two disease conditions; 3) retire one disease condition from the list; 4) update the human immunodeficiency virus (HIV) testing terminology; 5) clarify laboratories’ electronic reporting requirements; 6) clarify temporary reporting requirements when the disease or condition can cause serious morbidity or mortality and the report of the disease or condition is necessary to monitor, prevent, or control the disease or condition to protect public health; and 7) clarify the Department’s authority to take enforcement action for noncompliance, including referral to the Office of the Attorney General to seek injunctive relief and assess civil fines. Proposed changes also revise the definition section and rule construction; correct grammatical errors; and include other minor technical changes to improve readability and consistency with agency standards.

PUBLIC HEARING: Not scheduled

COMMENT DEADLINE: Friday, October 9, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Bridget Bagley, DHHS, 11 State House Station – 286 Water Street, Augusta, ME, 04333-0011. Telephone: (207) 287-4490 or 711 (TTY). Fax: (207) 287-2887. Email: [Bridget.Bagley@Maine.gov](mailto:Bridget.Bagley@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §19203; 22 MRS §§ 42(1), 801-835

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

AGENCY RULES WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/> .

MAINE CDC RULEMAKING LIAISON: [Tera.Pare@Maine.gov](mailto:Tera.Pare@Maine.gov) .

MAINE CDC WEBSITE: <https://www.maine.gov/dhhs/mecdc/> .

DHHS WEBSITE: <https://www.maine.gov/dhhs/> .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

**ADOPTIONS**