**State of Maine: Notice of Agency Rulemaking – September 16, 2020**

**PROPOSALS**

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting (Predator Hunting Contests)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P190**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife has received a valid petition to consider amending ch. 16 rules as they pertain to the hunting of coyote and predator hunting contests. The petitioner has requested rules be modified to create a definition for coyote and predator hunting contests, establish a registration requirement for all coyotes harvested and create a daily bag and possession limit for coyote with a modified hunting season. The petitioner has also requested that two new rule sections be created which will limit the harvest of coyote to those weighing less than 40 pounds and implement a prohibition on any predator hunting contests. Please contact the agency contact person above for a complete copy of the proposed rule. **NOTICE:** Due to the state of emergency that has been declared by the Governor, public hearings are now closed to the public physically attending. The public is strongly encouraged to submit any comments in writing to the Agency Contact Person. However, if you would like to submit comment via video conference, please contact Becky Orff at (207) 287-5202 or [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov) for details. Thank you for your understanding while we are experiencing this state of emergency.

PUBLIC HEARING: October 6, 2020 @ 4:00 p.m. - via video conference (Microsoft Teams). *Contact the Agency Contact Person by close of business October 5, 2020 for details.*

COMMENT DEADLINE: October 16, 2020

IFW CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 41 State House Station - 284 State Street, Augusta, ME 04333. Telephone: (207) 287-5202. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §10104

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

IFW WEBSITE: <https://www.maine.gov/ifw/> .

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 17**, Trapping (Coyote Trapping Season)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P191**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife has received a valid petition to consider amending ch. 17 rules as they pertain to the coyote trapping season. The petitioner’s request would modify rules and remove the coyote from the statewide general trapping season. Please contact the agency contact person above for a complete copy of the proposed rule. **NOTICE:** Due to the state of emergency that has been declared by the Governor, public hearings are now closed to the public physically attending. The public is strongly encouraged to submit any comments in writing to the Agency Contact Person. However, if you would like to submit comment via video conference, please contact Becky Orff at (207) 287-5202 or [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov) for details. Thank you for your understanding while we are experiencing this state of emergency.

PUBLIC HEARING: October 7, 2020 @ 4:00 p.m. - via video conference (Microsoft Teams). *Contact the Agency Contact Person by close of business October 6, 2020 for details.*

COMMENT DEADLINE: October 19, 2020

IFW CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 41 State House Station - 284 State Street, Augusta, ME 04333. Telephone: (207) 287-5202. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 12251

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

IFW WEBSITE: <https://www.maine.gov/ifw/> .

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

CHAPTER NUMBER AND TITLE: **Ch. 10**, Clams and Quahogs

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P192**

BRIEF SUMMARY: This proposed rulemaking removes an existing sunset of December 31, 2020, pertaining to a prohibition on dredging quahogs in the New Meadows River. By removing the sunset, the existing prohibition will remain. The proposed rule also reorganizes sections of the chapter for improved clarity.

PUBLIC HEARING: N/A

COMMENT DEADLINE: October 16, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 21 State House Station, Augusta, ME 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: 12 MRS §6171

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) .

**ADOPTIONS**

AGENCY: **12-170** - Department of Labor (DOL), **Bureau of Labor Standards (BLS)**

CHAPTER NUMBER AND TITLE: **Ch. 18**, Rules Governing Earned Paid Leave

ADOPTED RULE NUMBER: **2020-203**

CONCISE SUMMARY: The purpose of this chapter is to provide definitions and procedures for implementing earned paid leave for certain employees pursuant to 26 MRS §637. This rule explains that the obligation for earned paid leave applies to employers that employ more than 10 employees in employment as defined by the *Maine Employment Security Act* for more than 120 days in any calendar year. The rule explains the coverage of the law, to include full-time, part-time and per diem workers. The rule explains the exceptions, such as employees who work in a seasonal industry for an employer registered as a seasonal employer with a Bureau of Unemployment Compensation, and employees covered by a collective bargaining agreement on January 1, 2021. Covered employers shall permit each employee to accrue earned paid leave based on the employee's base rate of pay as defined by existing law, 26 MRS §664(3). Unused hours of earned paid leave roll over to the following year of employment, but hours are only required to continue to accrue up to forty hours in the current year of employment. The balance of earned paid leave at the separation of employment is governed by the employer’s established practice in accordance with existing law, 26 MRS §626. An employer may require up to four weeks’ notice of an intention to use earned leave, but notice is not required for an emergency, illness or other sudden necessity if advance notice is not feasible. Employees may take leave in increments of at least one hour. The employer cannot require the employee to use earned paid leave when the employee closes the business, cancels a shift or otherwise causes the employee to be unable to perform their job. An employer shall not deny an employee the right to use earned paid leave, and such denial or other violation is subject to a penalty.

EFFECTIVE DATE: January 1, 2021

DOL CONTACT PERSON / RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, ME 0433-0054. Telephone: (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov) .

BLS WEBSITE: <https://www.maine.gov/labor/bls/> .

AGENCY: **18-691** – Department of Administrative and Financial Services (DAFS), **Office of Marijuana Policy (OMP)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Adult Use Marijuana Program Rule

ADOPTED RULE NUMBER: **2020-204**

CONCISE SUMMARY: The Office of Marijuana Policy is adopting these additions to 18‑691 CMR ch. 1 to protect the public health and safety by providing additional methods for sample collection for samples of marijuana, marijuana concentrate and marijuana products for mandatory testing. These changes are being made as a result of PL 2019 ch. 676 (emergency, signed March 23, 2020) which allows Adult Use Marijuana Program licensees to collect and deliver their own samples for mandatory testing at a certified and licensed marijuana testing facility. Additionally, PL 2019 ch. 676 creates a sample collector license type, creating licensees whose sole purpose is to collect samples of marijuana, marijuana concentrate and marijuana products for mandatory testing. These changes to the Adult Use Marijuana Program Rule will protect the public health and safety by allowing for alternative means of sampling, thus reducing the hold times, based on mandatory testing, for batches of marijuana, marijuana concentrate and marijuana products once those batches are ready for transfer. Furthermore, these revisions implement strict standards for licensee sample collection with the goal of preventing contamination of samples for mandatory testing and ensuring the integrity of the samples received by marijuana testing facilities for mandatory testing.

EFFECTIVE DATE: September 18, 2020

OMP CONTACT PERSON: Gabi Pierce, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333. Telephone: (207) 287-3282. Email: [Gabi.Pierce@Maine.gov](mailto:Gabi.Pierce@Maine.gov) .

OMP WEBSITE: <https://www.maine.gov/dafs/omp/> .

OMP RULEMAKING LIAISON: [Erik.Gundersen@Maine.gov](mailto:Erik.Gundersen@Maine.gov) .

AGENCY: **18-691** – Department of Administrative and Financial Services (DAFS), **Office of Marijuana Policy (OMP)**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Rules for the Certification of Marijuana Testing Facilities

ADOPTED RULE NUMBER: **2020-205**

CONCISE SUMMARY: This rule is amended to incorporate changes to the *Marijuana Legalization Act* regarding sample collection for mandatory testing authorized by PL 2019 ch. 676. These changes included an expansion of the persons authorized to collect samples, including the creation of a sample collector license and allowing cultivation and manufacturing licensees to collect and deliver their own samples for mandatory testing. The rule is amended to allow for these additional sample collection methods and requires marijuana testing facilities to develop standard operating procedures regarding the receipt of samples collected by licensees for mandatory testing.

EFFECTIVE DATE: September 18, 2020

OMP CONTACT PERSON: Gabi Pierce, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333. Telephone: (207) 287-3282. Email: [Gabi.Pierce@Maine.gov](mailto:Gabi.Pierce@Maine.gov) .

OMP WEBSITE: <https://www.maine.gov/dafs/omp/> .

OMP RULEMAKING LIAISON: [Erik.Gundersen@Maine.gov](mailto:Erik.Gundersen@Maine.gov) .

AGENCY: **03-201 - Maine Department of Corrections (MDOC)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Policy and Procedures Manual - Adult: **Subsection 24.3**, Religious Services

ADOPTED RULE NUMBER: **2020-206**

CONCISE SUMMARY: The Department of Corrections adopts this rule to repeal and replace the previous rule, which was adopted in 2009, and has not been updated since. The adopted rule creates a rule governing many aspects of religious services for adult facility prisoners. It explains, while not requiring a prisoner to designate a religious preference, how a prisoner may designate a religious preference or change a religious preference. The adopted rule, among other things, provides procedures for a prisoner to practice his or her religion either individually or in a group setting; outlines the responsibilities of a facility chaplain; addresses the scheduling of religious activities; includes a process for a prisoner to request a religious accommodation; makes provisions for approved volunteers to provide religious services; establishes a Faith Review Committee; addresses religious dietary requirements; describes how a prisoner may acquire approved religious property; allows the Commissioner to establish advisory groups; and lists unauthorized activities.

EFFECTIVE DATE: September 21, 2020

MDOC CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Mary Lucia, Maine Department of Corrections, 111 State House Station, Augusta, ME 04333. Telephone: (207) 287-4681. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov) .

MDOC WEBSITE: <https://www.maine.gov/corrections/> .