**State of Maine: Notice of Agency Rulemaking – June 21, 2023**

**NOTICE OF STATE RULEMAKING**

**Public Input for Rules**

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions**: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). **World‑Wide Web**: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

**PROPOSALS**

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

CHAPTER NUMBERS AND TITLES:

**Ch. 1**, Open Water and Ice Fishing Regulations

**Ch. 1-A**, State Heritage Fish Waters

PROPOSED RULE NUMBERS: **2023-P123, P124**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing regulation changes for the upcoming ice fishing and open water fishing seasons. These regulations are needed to provide for the effective conservation of Maine’s inland fisheries and to enhance fishing opportunities throughout the State. This rulemaking packet includes 24 individual proposals presented in the following “theme” categories: State Heritage Fish Waters; Special Need; North Zone Bass Management; Errors, Conflicts, and Confusion; Endangered and Threatened Species Clarification; and Recreational Baitfish and Smelt Clarification. The complete list of proposals may be obtained from the Agency Contact Person or online at: <https://www.maine.gov/ifw/news-events/rulemaking-proposals.html>. The proposals, if adopted, will become effective January 1, 2024. Members of the public are encouraged to review the proposals and provide comments by submitting written comments by mail or email to the contact person for this filing or by participating in the public hearing. (All comments must be related to this rulemaking packet.) *Note: written comments are given equal consideration to testimony given at the public hearing.*

PUBLIC HEARING: Monday, July 10, 2023 @ 4:00 p.m. – IFW, 353 Water Street - Room 400, Augusta, ME

COMMENT DEADLINE: July 20, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 353 Water Street - #41 State House Station, Augusta, ME 04333. Email: Becky.Orff@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 12452 & 12461

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

IFW WEBSITE: [www.maine.gov/ifw](http://www.maine.gov/ifw).

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

CHAPTER NUMBER AND TITLE: **Ch. 2**, Rules Pertaining to Commercial Fishing, Fish Culture, and Fishing Derbies and Tournaments

PROPOSED RULE NUMBER: **2023-P125**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing amendments to Ch. 2 rules as they apply to Fishing Derbies and Bass Tournaments to simplify and consolidate existing rules, capture items as rule that are currently being applied as permit conditions and incorporate strategic planning and other administrative needs. A complete copy of the proposal may be obtained from the Agency Contact Person or online at: <https://www.maine.gov/ifw/news-events/rulemaking-proposals.html>. The proposal, if adopted, will become effective January 1, 2024. Members of the public are encouraged to review the proposal and provide comments by submitting written comments by mail or email to the contact person for this filing or by participating in the public hearing. (All comments must be related to this rulemaking packet.) *Note: Written comments are given equal consideration to testimony given at the public hearing.*

PUBLIC HEARING: Monday, July 10, 2023 @ 4:00 p.m. – IFW, 353 Water Street - Room 400, Augusta, ME

COMMENT DEADLINE: July 20, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 353 Water Street - #41 State House Station, Augusta, ME 04333. Email: Becky.Orff@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 12504, 12504-A, 12505

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

IFW WEBSITE: [www.maine.gov/ifw](http://www.maine.gov/ifw).

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office of MaineCare Services (OMS)**

CHAPTER NUMBER AND TITLE: **Ch. 101**, MaineCare Benefits Manual: **Ch. III Section 67**, Principles of Reimbursement for Nursing Facilities

PROPOSED RULE NUMBER: **2023-P126**

CONCISE SUMMARY: This rulemaking proposes the following changes in order to comply with various laws and add clarity.

* Removes language that stated the Department is seeking approval from CMS for changes where approval has been granted.
* Changes the date of the most recently filed cost report for purposes of subsequent rebasing from the report available by April 1st of the re-basing year to the report available by June 1st of the re-basing year, to ensure the Department uses the most recent cost reports available.
* To comply with the *Social Security Act*, Section 1128J(d), changes from 50% to 100% the percentage of the amount owed that nursing facilities must pay when the Division of Audit determines, from the as-filed cost report, that the nursing facility owes money to the Department.
* Adds a list of twenty items that nursing facilities must submit as supporting documentation with the cost report to support a more accurate analysis of costs.
* Changes “Uniform Desk Review” to “Cost Report Review and Acceptance” and makes changes to the associated requirements to clarify Audit’s review of cost reports for transparency and clarity. It removes the Department’s 365-day deadline for a Uniform Desk Review and adds a 45-day deadline for the Acceptance Review.
* Adds health savings accounts and flexible spending accounts to the list of Direct Care Cost Components.
* Adds background checks and software costs and licensing fees to the list of allowable costs for the routine component of the rate.
* Adds “Purchased Central Office Services” to the list of Administration Functions under Routine Cost Components to clarify what costs in this category are allowable.
* Clarifies the Motor Vehicle Allowance to state that only one vehicle per facility is allowed as a Routine Cost Component.
* Removes language stating that allowable costs not specified for inclusion in another cost category shall be included in the Fixed Costs Component as those costs fall under the Routine Cost Component, not the Fixed Costs Component.
* Clarifies under the Fixed Costs Component that Interest Expenses must be for a purpose related to patient care.
* Clarifies that loan principal payments need to be applied to the allowable portion of debt first, consistent with Medicare’s Principals of Reimbursement for Provider Costs Ch. 2, Section 200 (Interest Expense).
* Clarifies that Payment for High MaineCare Utilization is based on the number of resident days and not the number of residents.
* Effective July 1, 2021, under Payment for High MaineCare Utilization, eliminates the requirements that base year direct and routine aggregate costs per day be less than the median aggregate direct and routine allowable costs for the facility’s peer group, so that all facilities with MaineCare days constituting more than 80% of total days across all payers will receive a High MaineCare Utilization Payment of $0.60 per diem for each one percentage of MaineCare days above 80% per Resolves 2021, Ch. 171, as the changes, consistent with 22 MRS §42(8), do not reduce or otherwise negatively affect the reimbursement or other payments that Section 67 provider and members are entitled to receive under the previously applicable rules.
* Creates an Essential Support Worker Add-On to the direct care rate to increase cost reimbursement caps as necessary to enable providers to cover labor costs for essential support workers as defined in the Maine Revised Statutes, Title 22, section 7401, subsection 3 to equal at least 125% of the minimum wage established in Title 26, section 664, subsection 1 and by increasing related taxes and benefits accordingly. This add-on will not be case mix adjusted.
* Changes the facility allowance to receive an annual inflation to an inflation adjustment based on the Consumer Price Index under the Prospective Per Diem Rate for Rates for Facilities Recently Sold, Renovated or New Facilities.
* Eliminates the requirement that Remote Island Nursing Facilities must maintain Medicaid utilization of ninety-five percent or more.
* Adds Special Wage Allowances for January 1, 2020 to June 30, 2021 and January 1, 2022 to June 30, 2022 to provide for wages and wage-related benefits in both the direct care cost component and route care cost component, as the changes, consistent with 22 MRS §42(8), do not reduce or otherwise negatively affect the reimbursement or other payments that Section 67 provider and members are entitled to receive under the previously applicable rules.
* Makes other, non-substantive grammatical corrections.

See <http://www.maine.gov/dhhs/oms/rules/index.shtml> for rules and related rulemaking documents.

DATE FILED WITH THE SECRETARY OF STATE’S OFFICE: June 13, 2023

DATE, TIME. AND PLACE OF PUBLIC HEARING: July 11, 2023 - 09:00 a.m. Eastern Time (US and Canada) at 109 Capitol Street, Augusta, Maine. *This will be a hybrid public hearing. People that want to attend remotely can participate via Zoom.*

Zoom Meeting Link:

<https://mainestate.zoom.us/j/82870925421?pwd=aXkwa3krc3Z4Nk5zUTIwRy9DcThhQT09>

Meeting ID: 828 7092 5421

Passcode: 51339404

One tap mobile

+13126266799,,82870925421#,,,,\*51339404# US (Chicago)

+16468769923,,82870925421#,,,,\*51339404# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 360 209 5623 US

+1 386 347 5053 US

+1 408 638 0968 US (San Jose)

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 828 7092 5421

Passcode: 51339404

Find your local number: <https://mainestate.zoom.us/u/kb5NQsrKTB>.

*In addition to the public hearing, individuals may submit written comments to DHHS by the date listed in this notice.*

DEADLINE FOR COMMENTS: Comments must be received by 11:59 p.m. on July 24, 2023.

AGENCY CONTACT PERSON: Derrick Grant - MaineCare Policy, c/o MaineCare Services, 109 Capitol Street - 11 State House Station, Augusta, Maine 04333-0011. Telephone: (207) 624-6931. Fax: (207) 287-6106. TTY: 711 (Deaf or Hard of Hearing). Email: Derrick.Grant@Maine.gov.

IMPACT ON MUNICIPALITIES OR COUNTIES: The Department anticipates that this rulemaking will not have any impact on municipalities or counties.

CONTACT PERSON FOR SMALL BUSINESS INFORMATION: N/A

STATUTORY AUTHORITY: 22 MRS §§ 42, 3173; PL 2021 ch. 398 §AAAA-5; Resolves 2021 ch. 171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: PL 2021 ch. 398 §AAAA-5; Resolves 2021 ch. 171; *Social Security Act* §1128J(d).

OMS WEBSITE: <https://www.maine.gov/dhhs/oms/>.

OMS RULEMAKING LIAISON: Jennifer.Patterson@Maine.gov.

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

DHHS RULEMAKING LIAISON: Emily.A.Cathcart@Maine.gov.

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 330**, Higher Opportunity for Pathways to Employment (HOPE) Program Rules, **Ch. 3, Rule #102** – Income Eligibility

PROPOSED RULE NUMBER: **2023-P127**

BRIEF SUMMARY: This rule change proposes to increase the income limit from 185% of the FPL to 225% of the FPL consistent with 22 MRS §3790-A(2)(E) (2017), amended by PL 2023 Ch. 21 (effective June 29, 2023). The raise in FPL percentage expands program accessibility to help a broader population earn marketable credentials and help address Maine’s workforce shortages. This year’s FPLs were published at <https://aspe.hhs.gov/poverty-guidelines>. See also, “Annual Update of the HHS Poverty Guidelines”, Federal Register 88:12 (January 19, 2023), pages 3424-3425, <https://www.govinfo.gov/content/pkg/FR-2023-01-19/pdf/2023-00885.pdf>. The Department proposes to incorporate these figures effective June 29, 2023.

The proposed rule change provides an expansion of income eligibility. The increase to the gross income test for HOPE allows some HOPE applicants and participants to remain income eligible when their wages increase, some due to change to Maine’s minimum wage and allows a wider group of parents to be deemed income eligible. Department staff will continue to issue HOPE benefits to eligible participants following the updated Federal Poverty Guidelines.

See <http://www.maine.gov/dhhs/about/rulemaking> for rules and related rulemaking documents.

PUBLIC HEARING: No public hearing is scheduled.

COMMENT DEADLINE: Monday, July 24, 2023, at 5:00 p.m. EST. *Written public comments may be submitted via the link at* [*https://www.maine.gov/dhhs/about/rulemaking*](https://www.maine.gov/dhhs/about/rulemaking%20)*.*

CONTACT PERSON FOR THIS FILING: Sheri Wilkens, HOPE Program Manager, Department of Health and Human Services - Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4103. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Sheri.Wilkens@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §42(1); §3790-A(2)(E); PL 2023 Ch. 21

OFI WEBSITE: [https://www.maine.gov/dhhs/ofi](https://www.maine.gov/dhhs/ofi%20/about-us/rules).

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov.

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

DHHS RULEMAKING LIAISON: Emily.A.Cathcart@Maine.gov.

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

CHAPTER NUMBER AND TITLE: **Ch. 2**, Aquaculture

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P128**

BRIEF SUMMARY: This proposed rule increases the application fee for experimental leases from $100 to $750 and clarifies that this fee would also apply to experimental leases eligible for renewal. The proposed rule also specifies that an experimental application, like a standard, must be one contiguous tract unless it meets exceptions already specified in rule. It requires that Limited Purpose Aquaculture (LPA) renewal applications be received by November 30 each year and removes the provision allowing for mid-term LPA amendments. The proposal also specifies that stock for LPA sites must come from the wild, hatchery, or same health zone. Any person who applies for an LPA for seed in an area classified by DMR as prohibited, restricted, or conditionally restricted would also need to hold a lease or own a company that holds a lease. The proposal removes existing requirements to mark proposed lease areas in advance of public hearings. The proposal also provides for containment reduction or other special studies, including fees, that may be necessary to ensure the safety of product for human consumption. The proposed rule also makes several updates to existing sections for improved clarity, consistent with statutory changes, and enforcement.

PUBLIC HEARING: July 10, 2023 - 4:30 p.m., *in-person at the Marquardt Building, Room 118, 32 Blossom Lane, Augusta; or remotely via Microsoft Teams. Remote access information is posted to DMR’s website under “Meetings.”*

Hearing Facilities: *If you require accommodations due to disability, please contact (207) 624-6553.*

COMMENT DEADLINE: July 20, 2023. *Written comments can be emailed, mailed, or faxed to DMR using the contact information below.*

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DMR RULEMAKING LIAISON: Deirdre Gilbert, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6553. Fax: (207) 624-6024. TTY: 207-624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: §§ 6072, 6072-A, 6072-B, 6072-C

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 25**, Lobster and Crab: **25.04**, Lobster Trawl Limits *(technical correction)*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P129**

CONCISE SUMMARY: This proposed rulemaking makes a technical correction that removes a USCG buoy as a boundary marker due to this buoy moving locations. The coordinates of its former location will remain as a boundary marker for the purpose of this regulation.

PUBLIC HEARING: No hearing scheduled

COMMENT DEADLINE: July 21, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DMR RULEMAKING LIAISON: Deirdre Gilbert, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6553. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: 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: <http://www.maine.gov/dmr>.

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

CHAPTER NUMBER AND TITLE: **Ch. 26**, Sea Urchins: 2023-2024 Season

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P130**

BRIEF SUMMARY: This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2023-2024 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2023-2024, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2022-2023 season. For Zone 1, the daily tote limit is nine (9), the same as in the 2022-2023 season. For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2023-2024, from which harvesters may only fish up to 30 days of their choosing. This proposal has the same number of fishing days and opportunity days as the 2022-2023 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2023-2024. For Zone 2, the daily tote limit is six (6), the same as in the 2022-2023 season.

PUBLIC HEARINGS:

* July 10, 2023, 5:30 p.m.: *DMR HQ, Room 118 - Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit:* [*www.maine.gov/dmr*](http://www.maine.gov/dmr)*. Instructions will be posted on DMR’s homepage under meetings and events.*
* July 11, 2023, 5:00 p.m.: *Moore Community Center, Ellsworth, Theatre Auditorium (125 State St, Ellsworth, ME)*

Hearing Facilities: *If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

COMMENT DEADLINE: July 21, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DMR RULEMAKING LIAISON: Deirdre Gilbert, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 592-9311. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6749

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 42**, Striped Bass: **42.01**, Statewide Striped Bass Size Restrictions, Harvest Methods (Changes to Striped Bass Slot Limit)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P131**

BRIEF SUMMARY: On May 18, 2023, DMR adopted an emergency rule to come into compliance with the Atlantic Striped Bass Fishery Management Plan at the Atlantic States Marine Fisheries Commission (ASMFC). DMR is proposing to adopt the emergency rule as part of its regular rules. Consistent with the existing emergency rule, this proposal would implement a 31-inch maximum size limit in the striped bass recreational fishery. As a result, it would be unlawful to take or possess striped bass unless they are between 28-inches and 31-inches, inclusive. This proposed action would ensure continued compliance with the ASMFC fishery management plan.

PUBLIC HEARING: July 12, 2023, 4:00 p.m.: *DMR Offices, Room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit:* [*www.maine.gov/dmr*](http://www.maine.gov/dmr)*. Instructions will be posted on DMR’s homepage under meetings and events.*

Hearing Facilities: *If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

COMMENT DEADLINE: July 24, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DMR RULEMAKING LIAISON: Deirdre Gilbert, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6553. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: 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: <http://www.maine.gov/dmr>.

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

CHAPTER NUMBER AND TITLE: **Ch. 55**, Gear Restrictions: **55.99**, Fishing in the Saco River above the Route 9/Main Street Bridge between Saco and Biddeford

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P132**

BRIEF SUMMARY: On June 10, 2023, DMR adopted an emergency rule to expand an existing area on the Saco River closed to fishing. DMR is proposing to adopt this same rule as regular rulemaking. Consistent with the emergency rule, this proposal would modify Maine’s Gear Restriction Regulation, Ch. 55.99, to close the waters of the Saco River upstream of the Route 9/Main Street bridge between Factory Island, Saco and Mechanics Park, Biddeford, to the head of tide. This is necessary to prevent high levels of catch and release mortality observed this season and which negatively impacts the striped bass resource.

PUBLIC HEARING: July 12, 2023, 5:00 p.m.: *DMR Offices, Room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit:* [*www.maine.gov/dmr*](http://www.maine.gov/dmr)*. Instructions will be posted on DMR’s homepage under meetings and events.*

Hearing Facilities: *If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

COMMENT DEADLINE: July 24, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DMR RULEMAKING LIAISON: Deirdre Gilbert, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6553. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: 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: <http://www.maine.gov/dmr>.

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

CHAPTER NUMBER AND TITLE: **Ch. 75**, Protected Resources *(Technical Correction)*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P133**

BRIEF SUMMARY: This proposed rulemaking makes a technical correction that removes three USCG buoys as boundary markers due to these buoys either being “de-established” or moving locations. The coordinates of their former locations will remain as boundary markers for the purpose of the State of Maine Exemption Line regulation.

PUBLIC HEARING: No public hearing scheduled.

COMMENT DEADLINE: July 21, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DMR RULEMAKING LIAISON: Deirdre Gilbert, Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6553. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: 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: <http://www.maine.gov/dmr>.

**ADOPTIONS**

AGENCY: **12-186** - Department of Labor (DOL), **State Board of Arbitration and Conciliation**

CHAPTER NUMBER AND TITLE: **Ch. 1**, General Rules

ADOPTED RULE NUMBER: **2023-086**

CONCISE SUMMARY: The State Board of Arbitration and Conciliation has amended Ch. 1 of its rules to require the electronic filing, by email to sbac@maine.gov, of all correspondence and any other documents filed with the Board. Parties who are unable to submit documents electronically may submit documents by mail, hand delivery or delivery service if the party certifies it was unable to submit the documents electronically and the Board, in its discretion, accepts the filing. Other changes are minor and non-substantive.

EFFECTIVE DATE: July 1, 2023

BOARD CONTACT PERSON: Henry Fouts, c/o Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Email: Henry.Fouts@Maine.gov.

BOARD WEBSITE: <https://www.maine.gov/mlrb/>.

AGENCY: **12-186** - Department of Labor (DOL), **State Board of Arbitration and Conciliation**

CHAPTER NUMBER AND TITLE: **Ch. 3** *(New)*, Logging Dispute Resolution Board Rules

ADOPTED RULE NUMBER: **2023-087**

CONCISE SUMMARY: The State Board of Arbitration and Conciliation has established rules to govern the new Logging Dispute Resolution Board established in 26 MRS Ch. 47.

EFFECTIVE DATE: July 1, 2023

BOARD CONTACT PERSON: Henry Fouts, c/o Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Email: Henry.Fouts@Maine.gov.

BOARD WEBSITE: <https://www.maine.gov/mlrb/>.

AGENCY: **12-180** - Department of Labor (DOL), **Maine Labor Relations Board (MLRB)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, General Rules

ADOPTED RULE NUMBER: **2023-088**

CONCISE SUMMARY: The Maine Labor Relations Board has amended Ch. 10 of its rules to make minor changes to improve clarity and consistency regarding service and proof of service requirements for a prohibited practice complaint; the process for a party to request an extension of time; when service of a document may be effected exclusively by email; hand delivery of documents to the Board’s office; individuals to whom electronic filings with the Board should not be addressed; and other non-substantive changes.

EFFECTIVE DATE: July 1, 2023

MLRB CONTACT PERSON: Henry Fouts, Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Email: Henry.Fouts@Maine.gov.

MLRB WEBSITE: <https://www.maine.gov/mlrb/>.

MLRB RULEMAKING LIAISON: Neil.Daly@Maine.gov.

AGENCY: **12-180** - Department of Labor (DOL), **Maine Labor Relations Board (MLRB)**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Bargaining Unit Composition and Representation Matters

ADOPTED RULE NUMBER: **2023-089**

CONCISE SUMMARY: The Maine Labor Relations Board has amended Ch. 11 of its rules to make minor changes to improve clarity and consistency.

EFFECTIVE DATE: July 1, 2023

MLRB CONTACT PERSON: Henry Fouts, Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Email: Henry.Fouts@Maine.gov.

MLRB WEBSITE: <https://www.maine.gov/mlrb/>.

MLRB RULEMAKING LIAISON: Neil.Daly@Maine.gov.

AGENCY: **12-180** - Department of Labor (DOL), **Maine Labor Relations Board (MLRB)**

CHAPTER NUMBER AND TITLE: **Ch. 12**, Prohibited Practice Complaints; Interpretive Rulings

ADOPTED RULE NUMBER: **2023-090**

CONCISE SUMMARY: The Maine Labor Relations Board has amended Ch. 12 of its rules to make minor changes to improve clarity and consistency including: deleting reference to multiple hard copies of the prohibited practice complaint and relevant collective bargaining agreement being filed, to reflect electronic filing; clarifying prohibited practice complaint service requirements and when a prohibited practice complaint may be amended; allowing notification of prehearing conferences and hearings to parties by regular mail instead of by certified or registered mail; allowing the executive director or prehearing officer to permit electronic documentary evidence in lieu of physical copies; allowing the executive director to rule on requests to defer to arbitration, subject to Board review, and clarifying that oral argument concerning deferral to arbitration may be permitted at the discretion of the executive director or prehearing officer; allowing the Board to meet remotely when determining whether to grant or deny a motion to defer to arbitration; and other non-substantive changes.

EFFECTIVE DATE: July 1, 2023

MLRB CONTACT PERSON: Henry Fouts, Maine Labor Relations Board, 90 State House Station, Augusta, ME 04333. Telephone: (207) 287-2015. Email: Henry.Fouts@Maine.gov.

MLRB WEBSITE: <https://www.maine.gov/mlrb/>.

MLRB RULEMAKING LIAISON: Neil.Daly@Maine.gov.