# 18

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

# 2016-2017 Regulatory Agenda

August 8, 2016

**18-119: Bureau of Accounts and Control**

**18-125: Bureau of Revenue Services**

**18-134: State Capitol Planning Commission**

**18-185: State Claims Commission**

**18-389: Bureau of Human Resources**

**18-553: Bureau of Alcoholic Beverages and Lottery Operations** *(amended 8-9-2017)*

**18-554: Bureau of General Services**

**18-674: Maine Board of Tax Appeals** *(no rule-making planned)*

# AGENCY UMBRELLA-UNIT NUMBER: 18-119

AGENCY NAME: **Bureau of Accounts and Control**

**CONTACT PERSON:** Douglas Cotnoir, State Controller, Office of the State Controller, 14 State House Station, Augusta, Maine 04333. Telephone: (207) 626-8428. E-mail: [Douglas.E.Cotnoir@Maine.gov](mailto:Douglas.E.Cotnoir@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Travel and Expense Reimbursement Policies

STATUTORY BASIS: 5 MRSA §1541

PURPOSE: This rule specifies official policy which governs travel and expense reimbursement for State employees and officials, the definition of which expenses are reimbursable and the levels of such reimbursement.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: All State employees, officials, and members of State boards and commissions, who are reimbursed for travel and expenses while on State business.

# AGENCY UMBRELLA-UNIT NUMBER: 18-125

AGENCY NAME: **Bureau of Revenue Services**

**CONTACT PERSON:** John W. Sagaser, Legislative and Policy Counsel, Maine Revenue Services, 24 State House Station, Augusta, Maine 04333. Telephone: (207) 624-9536. E-mail: [John.W.Sagaser@Maine.gov](mailto:John.W.Sagaser@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 102: ELECTRONIC FUNDS TRANSFER**

STATUTORY BASIS: 36 M.R.S. §193

PURPOSE: This rule describes the requirements for tax and other types of payments by electronic funds transfer. MRS may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: All Maine taxpayers who make Maine tax payments with Maine Revenue Services.

**CHAPTER 104**: Filing of Maine Tax Returns

STATUTORY BASIS: 36 M.R.S. §193

PURPOSE: This rule describes the requirements for filing certain Maine tax returns, including mandatory electronic filing of certain Maine tax returns. MRS may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: All Maine taxpayers who file Maine tax returns with Maine Revenue Services.

**CHAPTER 202**: Tree Growth Tax Law Valuations

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, 576

PURPOSE: Section 576 of Title 36 M.R.S. requires the State Tax Assessor to establish annually by rule current use valuations for classified forestlands after considering area timber stumpage sales during previous calendar years. Taxpayers with land classified under Tree Growth Tax Law and municipal assessors require guidance in appropriate valuation of forestland based on representative proportions of forest growth and products generated.

SCHEDULE FOR ADOPTION: By April 1, 2017.

AFFECTED PARTIES: All Maine taxpayers with land classified under Tree Growth Tax Law and municipal assessors.

**CHAPTER 205**: Certification of Assessors

STATUTORY BASIS: 36 M.R.S. §§ 112, 305

PURPOSE: Certification of property tax assessors in the State of Maine is the responsibility of the State Tax Assessor. This rule governs the nature and content of the certification examinations as well as the enforcement of the continuing education requirements required under 36 M.R.S. §311. The rule is being amended to incorporate the anticipated changes due to last year’s expansion of certification guidelines.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: All Maine municipal assessors.

**CHAPTER 207**: Real Estate Transfers

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, 4641-E

PURPOSE: 36 M.R.S. §4641-E authorizes the State Tax Assessor to adopt rules as are necessary to carry out the purposes of the real estate transfer tax. The current rule clarifies the process of assessing, collecting, and reporting the tax. The rule is being amended to update electronic filing requirements and to make housekeeping changes.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Sellers and buyers of Maine real property.

**CHAPTER 603**: Estate Tax

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule explains in further detail Maine estate tax laws for estates of decedents dying after 2012. MRS may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: All resident and nonresident taxpayers subject to the Maine estate tax.

**CHAPTER 801**: Apportionment

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule explains Maine income tax apportionment for business entities. MRS anticipates amending this rule to update and clarify issues related to Maine income tax apportionment.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Business taxpayers that have nexus with Maine and that have income from business operations in more than one state.

**CHAPTER 803**: Withholding Tax Reports and Payments

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule identifies income subject to, prescribes methods for determining, and explains reporting requirements for, Maine income tax withholding. MRS anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Businesses that are subject to the Maine income tax withholding requirement.

**CHAPTER 805**: Composite Filing

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule stipulates procedures and requirements by which a pass-through entity files a single income tax return for all of its participating nonresident owners or members. MRS may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Pass-through entities that participate in the Maine income tax composite filing program.

**CHAPTER 806**: Nonresident Individual Income Tax

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule provides guidance regarding the taxation of individual taxpayers who are nonresidents of Maine. MRS anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Nonresident individuals who are subject to Maine income tax.

**CHAPTER 807**: Residency

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule addresses the determination and effect of an individual’s residency status with respect to Maine individual income tax. MRS anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Individuals who are subject to Maine income tax.

**CHAPTER 808**: Corporate Income Tax Nexus

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule describes the circumstances under which a foreign corporation is subject to the income tax jurisdiction of Maine. MRS anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Corporations subject to the Maine corporate income tax.

**CHAPTER 810**: Maine Unitary Business Taxable Income, Combined Reports and Tax Returns

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule explains standards for determining Maine income tax for unitary businesses and for filing combined reports and related tax returns. MRS anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: Unitary businesses subject to the Maine income tax.

**CHAPTER 812**: Educational Opportunity Tax Credit

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule explains in further detail the Maine income tax credit for educational opportunity pursuant to 36 M.R.S. §5217-D. MRS anticipates amending this rule for updates and clarification and to reflect recently enacted Maine tax law changes.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim this credit.

**RULE 813**: Property Tax Fairness Credit

STATUTORY BASIS: 36 M.R.S. §112

PURPOSE: This rule provides guidance for the calculation of the Property Tax Fairness Credit. MRS may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim the credit.

AGENCY UMBRELLA-UNIT NUMBER: **18-134**

AGENCY NAME: **State Capitol Planning Commission**

**CONTACT PERSON:** Gilbert Bilodeau, Interim Director, Bureau of General Services, 77 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6363. E-mail: [Gilbert.M.Bilodeau@Maine.gov](mailto:Gilbert.M.Bilodeau@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Capitol Area Rules and Regulations

STATUTORY BASIS: 5 MRSA §298

PURPOSE: Amend this rule to improve the definition of zones within the Capitol Planning District, define uses within those zones, and set out new construction and site development guidelines for each of the zones within the District.

SCHEDULE FOR ADOPTION: By June 2017.

AFFECTED PARTIES: The City of Augusta, the Bureau of General Services, State agencies, developers and property owners within the District boundaries.

AGENCY UMBRELLA-UNIT NUMBER: **18-185**

AGENCY NAME: **State Claims Commission**

**CONTACT PERSON:** Richard Estabrook, Director, State Claims Commission, 49 State House Station, Augusta, ME 04333. Telephone: (207) 624-742. E-mail: [Richard.Estabrook@Maine.gov](mailto:Richard.Estabrook@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 110**: Rules of Practice Governing Conduct of Adjudicatory Proceedings for Land Damage Cases

STATUTORY BASIS: 23 M.R.S.A. §152

PURPOSE: These rules of practice prescribe the manner in which formal proceedings are to be held in and before the State Claims Commission as relates to land damage cases. The State Claims Commission anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: The Maine Department of Transportation (MDOT), Landowners subject to eminent domain takings by the MDOT, owners of private water supplies (wells) affected by MDOT construction projects, counsel representing any affected party.

AGENCY UMBRELLA-UNIT NUMBER: **18-389**

AGENCY NAME: **Bureau of Human Resources**

**CONTACT PERSON:** J. Thaddeus Cotnoir, Public Service Manager II, 4 State House Station, Augusta, ME 04333-0004. Telephone: (207) 624-7799. E-mail: [Thaddeus.Cotnoir@Maine.gov](mailto:Thaddeus.Cotnoir@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None.

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1**: Purpose, Adoption and Amendment of Rules and Definition of Terms

STATUTORY BASIS: 5 MRSA §7036 sub-§17

PURPOSE: Ensures definitions are consistent with Civil Service Law and the *Administrative Procedure Act*, reflecting changes in policy and procedures as a result of changes to these laws.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 2**: Intermittent Employment

STATUTORY BASIS: 5 MRSA §7053

PURPOSE: To comply with the Civil Service Law and to provide clarification of the benefits available to intermittent employees.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 3**: Divisions of the Classified Service

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065; Ch. 147, P&SL 06/14/76

PURPOSE: Identifies the competitive, non-competitive (also known as "direct hire"), and labor divisions of Maine State Service.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 4**: Classification Plan

STATUTORY BASIS: 5 MRSA §7061

PURPOSE: Explains the classification plan and mechanism for its maintenance. Defines the allocation and re-allocation of positions and related actions. Identifies the purpose and use of classification specifications and classification titles and states the mechanism for appeals of classification actions.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 5**: Compensation Plan

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065

PURPOSE: Defines the compensation plan in terms of fixed salary schedules as adopted, published, and emended for covered classifications of work in Maine State Service. Identifies pay rates, presents overtime provisions and gives rates of pay for specific personnel actions such as new hires, promotions, demotions, transfers, non-standard work designations, and project appointments.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 6**: Applications and Examinations

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Provides information and procedures regarding the character and content of examinations and related announcement/examination administration practices. Gives requirements for admission, outlines exam scoring and notice procedures, and presents the mechanism for appeal of examination results.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 7**: Eligible Registers

STATUTORY BASIS: 5 MRSA §§ 7034, 7036, 7052, 7053, 7062, 7064

PURPOSE: Identifies the types of employment registers and the manner in which they are maintained and used. Establishes a mechanism for adding and removing names, and specifies the normal duration of registers.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 8**: Certification and Appointment

STATUTORY BASIS: 5 MRSA §§ 781-791, 7034, 7036, 7051, 7052, 7053, 7054, 7055, 7062, 7064

PURPOSE: Establishes rules which govern appointments to position vacancies in the classified service. Includes procedures for appointments made by certification from classification registers and for appointments resulting from nominations submitted by appointing authorities. Provisions are also included for: apprentice, trainee, and conditional appointment referrals that may be authorized by the Director; acting capacity assignments; and the reemployment of retired persons.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 9**: Probationary Period

STATUTORY BASIS: 5 MRSA §§ 7036, 7051

PURPOSE: Identifies the purpose and duration of the probationary period and presents the mechanism for transition from probationary to permanent status.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 10**: Performance Appraisal and Training

STATUTORY BASIS: 5 MRSA §§ 7036, 7065, 7070

PURPOSE: Identifies the purpose and requirements for the performance appraisal system and establishes a mechanism for internships and apprentice training.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 11**: Holidays, Leave of Absence and Related Compensation Practices

STATUTORY BASIS: 5 MRSA §§ 721-727, 7036

PURPOSE: Designates holidays and related compensation procedure and presents regulations governing leaves of absence with pay and without pay. Includes sick leave, vacation leave, military leave, educational leave, jury duty and court appearances, workers' compensation, and unclassified service appointments.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 12**: Disciplinary Action, Demotion and Layoff

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Presents the basis and procedure for demotions, suspensions and dismissals in the State service; the procedure for resignation in good standing; and the statewide mechanism for addressing the unavoidable layoff of employees.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 13**: Complaints, Grievances and Investigations

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7081-7085

PURPOSE: Presents the various mechanisms through which complaints and/or grievances of State employees may be discovered, filed and/or heard, and related investigation and enforcement powers of the Director with respect to proper administration and application of the Civil Service Law to these rules.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 14**: Employee Work Records and Payroll Certification Procedure

STATUTORY BASIS: 5 MRSA §§ 7070, 7071

PURPOSE: Provides information and establishes procedures with respect to employment history and records maintained by the appointing authority and the Bureau of Human Resources. Provides requirements for information regarding changes in employee status for purposes of payroll authorization and the permanent record thereof. Provides access to public records, with restriction.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

**CHAPTER 15**: The Maine Management Service

STATUTORY BASIS: 5 MRSA §§ 7031, 7034, 7036, 7051, 7052, 7061, 7065, 7081-7085

PURPOSE: This chapter, adopted in 2002, establishes the Maine Management Service and provides separate and distinct rules for confidential employees who occupy positions that are specifically designated as included in the Maine Management Service. Provides a definition and outlines the goals of the Maine Management Service; provides the manner in which positions are included in the Maine Management Service; and defines terms associated with the Maine Management Service. This chapter also provides a classification and compensation plan for the Maine Management Service; provides unique procedures for recruitment, application, selection, training, and development. This chapter also provides a unique procedure for layoff, complaints, grievances, investigations, and discipline of employees included in the Maine Management Service.

SCHEDULE FOR ADOPTION: Prior to September 2017

AFFECTED PARTIES: Applicants for positions included in the Maine Management Service, confidential employees who occupy positions that are specifically designated as included in the Maine Management Service.

AGENCY UMBRELLA-UNIT NUMBER: **18-553**

AGENCY NAME: **Bureau of Alcoholic Beverages and Lottery Operations (BABLO) / Maine State Liquor and Lottery Commission**

**CONTACT PERSON:** Timothy R. Poulin, Deputy Director, 8 State House Station, Augusta, ME 04333-0008. Telephone: (207) 287-6750. E-mail: [Tim.Poulin@Maine.gov](mailto:Tim.Poulin@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016–2017 RULE-MAKING ACTIVITY:**

**CHAPTER 2:** Pricing of Spirits

STATUTORY BASIS: 28-A MRSA §83

PURPOSE: To establish such rules as necessary for the administration of the state liquor laws under the jurisdiction of the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Agency liquor stores and licensees; wholesale distributor of spirits and suppliers of spirits.

**CHAPTER 3:** On-Premise Data Collection

STATUTORY BASIS: 28-A MRSA. §453-C sub-§4, ¶D

PURPOSE: To establish such rules as necessary for mitigating the costs incurred by reselling agents in providing sales data of spirits to on-premise licensees to the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Agency liquor stores that are licensed as reselling agent.

**CHAPTER 10:** Maine State Lottery

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish such rules as necessary for the operation of the Maine State Lottery including types of games offered, subscriptions, price of tickets, number and size of prizes, manner of selecting winning tickets, the method of paying prizes, the sale of tickets and the licensing, performance, fee charges and commission of ticket agents.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

**CHAPTER 20:** Powerball

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

**CHAPTER 30:** Hot Lotto

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

**CHAPTER 40:** Mega Millions

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

**CHAPTER 50:** Lucky for Life

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

*Amendment added August 9, 2017*

**CHAPTER 80:** Lotto America Game Rules

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By November 2017

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

**CHAPTER 101:** Operation and Control of All Licensed Premises

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of 28-A MRSA Maine Liquor Laws.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons owning and/or operating premises licensed to sell and/or serve alcoholic beverages pursuant to applicable provisions of 28-A MRSA.

**CHAPTER 102:** Premises Licensed for On-Premises Consumption Only

STATUTORY BASIS: 28-A MRSA §83-A

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for on-premises consumption of alcoholic beverages.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be consumed on-premises.

**CHAPTER 103:** Premises Licensed for Off-Premises Sales Only

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for off-premises sales of alcoholic beverages.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be sold off-premises.

**CHAPTER 104:** Premises Licensed as Wholesalers, Manufacturers and Certificates of Approval

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to wholesalers and manufactures of alcoholic beverages, and certificates of approval.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Wholesalers and manufactures of alcoholic beverages; holders of certificates of approval.

**CHAPTER 105:** Labeling

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to the labeling of alcoholic beverages.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Labelers of alcoholic beverages.

**CHAPTER 106:** Salesmen

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to salespersons selling alcoholic beverages.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Salespersons selling alcoholic beverages.

**CHAPTER 107:** Advertising and Signs Applicable to All License Holders

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or services of alcoholic beverages.

**CHAPTER 110:** Agency Liquor Stores

STATUTORY BASIS: 28-A MRSA §83-A

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 120:** Licensing Procedure

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 130:** Selection And Location Of Agency Liquor Stores

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 140:** Merchandising and Stock

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**CHAPTER 150:** Signs and Advertising

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: October 1, 2O17.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

**Chapter 160:** Definition of Brand

STATUTORY BASIS: Resolve 2013, chapter 89.

PURPOSE: To assist licensees under Title 28-A, chapters 55 and 57 in defining brand for the distribution of malt beverages and wine.

SCHEDULE FOR ADOPTION: Prior to October 1, 2017.

AFFECTED PARTIES: Persons holding or applying for a certificate of approval holder or wholesaler license.

# AGENCY UMBRELLA-UNIT NUMBER: 18-554

AGENCY NAME: **Bureau of General Services**

**CONTACT PERSON:** Gilbert Bilodeau, Interim Director, Bureau of General Services, 77 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6363. E-mail: [Gilbert.M.Bilodeau@Maine.gov](mailto:Gilbert.M.Bilodeau@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

**CHAPTER 1:** Procedures for Procurement of Professional Architectural and Engineering Services

STATUTORY BASIS: 5 MRSA §1742(6)

PURPOSE: To amend the rule governing procurement of architectural and engineering services.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Architects, engineers, owner agencies.

**CHAPTER 2:** BOCA Basic Building Code - 1987

STATUTORY BASIS: 5 MRSA §1742 (6-A)

PURPOSE: To amend or delete the rule regarding codes due to recent statute on statewide building codes.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Architects, engineers, construction industry, owner agencies.

**CHAPTER 3:** Life Cycle Analysis

STATUTORY BASIS: 5 MRSA §1764

PURPOSE: To amend or delete the rule governing life cycle cost analysis due to recent statute on statewide building codes.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Architects, engineers, owner agencies.

**CHAPTER 4:** Standard 62-1981R “Ventilation for Acceptable Indoor Air Quality Adoption”

STATUTORY BASIS: 5 MRSA §1742 (24)

PURPOSE: To amend or delete the rule regarding ventilation code due to recent statute on statewide building codes.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Architects, engineers, construction industry, owner agencies.

**CHAPTER 6:** 1981 Standards of Construction for Making Buildings Usable by Physically Handicapped

STATUTORY BASIS: 25 MRSA §2702-A

PURPOSE: To delete rule regarding accessibility standards due to it being superseded by more recent statute.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Architects, engineers, owner agencies.

**CHAPTER 8:** Alternative Project Delivery Methods

STATUTORY BASIS: 5 MRSA §1743

PURPOSE: To amend the alternative delivery methods.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Construction industry, architects, engineers, owner agencies.

**CHAPTER 11:** Rules Governing Qualification of Professionals for Single Source Procurement of Services that Do Not Exceed $25,000

STATUTORY BASIS: 5 MRSA §1742 (6)

PURPOSE: To amend the Single Source Procurement of Services.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Construction industry, architects, engineers, owner agencies.

**CHAPTER 60:** Improvement of Energy Efficiency in State-Funded Construction

STATUTORY BASIS: 5 MRSA §1764-A

PURPOSE: To amend or delete rule due to recent statute on statewide building codes.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Contractors, architects, engineers, owner agencies.

**Chapter 101:** Bids, Awards and Contracts

STATUTORY BASIS: 5 MRSA §1813 (8), in conjunction with 5 MRSA §1825-B, Bids, awards, and contracts, Subsection 7, Awards to best-value bidder.

Purpose: To amend the rule prohibiting state agencies from entering into contracts with entities determined by the State Purchasing Agent not to be a responsible bidder.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Bidders bidding to provide services to the State.

**Chapter 110:** Rules for the Purchase of Services and Awards

STATUTORY BASIS: 5 MRSA §1825-C.

Purpose: To amend the rule governing e-commerce in the competitive bidding process.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Bidders bidding to provide, and Contactors providing, services to the State.

**Chapter 120:** Rules for Appeal of Contract and Grant Awards

STATUTORY BASIS: 5 MRSA §1825-H

Purpose: To amend the rule regarding the selection of appeal panelists.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Bidders bidding to provide, and Contactors providing, services to the State.

**CHAPTER 130:** Implementing the State Purchasing Code of Conduct Requiring that Vendors Furnishing Apparel, Footwear, or Textiles to the State Provide Healthy, Safe, and Fair Working Conditions

STATUTORY BASIS: 5 MRSA §1825-B and §1825-O

PURPOSE: To amend the rule regarding State purchasing code of conduct consistent with Public Law 2007, Chapter 193.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Vendors bidding to provide apparel, footwear, or textiles to the State.

**CHAPTER 150:** Chapter Defining the Means by which Contractors and Subcontractors are to Provide Certain Records to the Bureau of General Services in the Department of Administrative and Financial Services, and to Identify what Information in those Records is Available to the Public

STATUTORY BASIS: 26 MRSA §§ 1311, 1312

PURPOSE: To amend the rule regarding the means by which contractors and subcontractors are to provide certain records.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Construction industry, contractors, subcontractors.

**CHAPTER 155:** Rules for Defining an Equivalent Basis for Cost Comparison between State Employee and Private Contractor Provision of Services

STATUTORY BASIS: 5 MRSA §1816-A (2) (I).

PURPOSE: To amend the rule regarding Personal Services Contracting.

SCHEDULE FOR ADOPTION: By June 2017

AFFECTED PARTIES: Vendors bidding to provide temporary personnel to the State.

AGENCY UMBRELLA-UNIT NUMBER: **18-674**

AGENCY NAME: **Maine Board of Tax Appeals**

**CONTACT PERSON:** Paul Bourget, Chief Appeals Officer, Maine Board of Tax Appeals, 134 State House Station, Augusta, Maine 04333. Telephone: (207) 287-2866. E-mail: [Paul.Bourget@Maine.gov](mailto:Paul.Bourget@Maine.gov) .

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:** None contemplated.

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

The Maine Board of Tax Appeals does not plan any rule-making or rule changes for the upcoming year.