**State of Maine: Notice of Agency Rulemaking – January 6, 2021**

**NOTICE**

AGENCY: **29-250** - Department of Secretary of State, **Bureau of Corporations, Elections and Commissions**

RULE TITLE OR SUBJECT: **Request for Comments on the *Maine Administrative Procedure Act* (APA)**

CONCISE SUMMARY: By the end of January, 2021, the Secretary of State must file an annual report to the Governor and the Joint Standing Committee on State and Local Government on the *Administrative Procedure Act*. The purpose of this ad is to solicit, from state agencies and the public, recommendations for improvements to the rulemaking process. We will include a summary on these recommendations in the report. Please submit comments via email or U.S. postal.

STATUTORY AUTHORITY: 5 MRS §8056-A

PUBLIC HEARING: None

DEADLINE FOR COMMENTS: January 25, 2021

AGENCY CONTACT PERSON: Don Wismer, APA Coordinator, Department of Secretary of State, 101 State House Station, Augusta, ME 04333. Telephone: (207) 624-7650. Fax: (207) 287-6545. Email: Don.Wismer@Maine.gov .

WEBSITE: http://www.maine.gov/sos/cec/rules/index.html .

**PROPOSALS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**,Schedule of Minimum Prices, **Order #02-21**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P243**

BRIEF SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954

PUBLIC HEARING:January 21, 2021, Thursday, starting at 4:00 p.m. *Because* *of the COVID-19 Public Health Emergency and pursuant to 1 MRS §403-A, enacted by PL 2020 c. 617 part G (eff. Mar. 18, 2020), this hearing could be held remotely by telephonic conference. Directions on how to attend the hearing telephonically will be posted on the Milk Commission website and sent to the interested persons list in advance of January 21, 2021. If the civil emergency is not extended the meeting will be held in Room 101, Deering Building, Augusta, Maine.*

COMMENT DEADLINE:January 21, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MLC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §8054; 7 MRS §2954

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

MMC WEBSITE:<http://www.maine.gov/dacf/milkcommission/index.shtml>

DACF RULEMAKING LIAISON: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov) .

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Maine Revenue Services (MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Sales for Resale and Sales of Packaging Materials

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P244**

BRIEF SUMMARY: Rule 301 establishes procedures for making sales for resale, certain sales to lessors and service providers, and sales of packaging materials without collecting sales tax, and sets forth requirements for certification of such sales.

Rule 301 is being amended to reflect that MRS no longer issues a “provisional” resale certificate. Additionally, the language in the rule is clarified throughout to reflect that a sale for resale is not an “exemption,” but rather an exclusion from retail sale, and therefore sales tax need not be collected on such sales, provided the selling retailer receives the appropriate documentation from the purchaser.

PUBLIC HEARING: N/A

COMMENT DEADLINE: February 9, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MRS RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024. Telephone: (207) 624-9712. Email: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 36 MRS §112

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

MRS WEBSITE: [www.maine.gov/revenue/](http://www.maine.gov/revenue/)

DAFS RULEMAKING LIAISON: [Anya.Trundy@Maine.gov](mailto:Anya.Trundy@Maine.gov) .

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Maine Revenue Services (MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 302**, Sales to Governmental Agencies and Exempt Organizations

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P245**

BRIEF SUMMARY: Rule 302 establishes administrative rules regarding tax-exempt sales and explains the circumstances under which a retailer or service provider will be relieved of its burden of proving that sales to an entity described in 36 MRS §§ 1760 or 2557, including an agency or instrumentality of the federal government or of the State of Maine, are exempt from Maine sales, use, or service provider tax.

MRS is proposing to amend Rule 302 to specifically address the Bureau’s authority to periodically review exemption certificates and revoke certificates if needed.

PUBLIC HEARING: N/A

COMMENT DEADLINE: February 9, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MRS RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024. Telephone: (207) 624-9712. Email: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 36 MRS §112

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

MRS WEBSITE: [www.maine.gov/revenue/](http://www.maine.gov/revenue/)

DAFS RULEMAKING LIAISON: [Anya.Trundy@Maine.gov](mailto:Anya.Trundy@Maine.gov) .

**ADOPTIONS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**,Schedule of Minimum Prices, **Order #02-21**

ADOPTED RULE NUMBER: **2020-256** *(Emergency)*

CONCISE SUMMARY: Minimum January 2021 Class I price is $18.39/cwt. plus $1.63/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $2.79/cwt. handling fee for a total of $26.46/cwt. that includes a $0.20/cwt Federal promotion fee.

EFFECTIVE DATE: January 3, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MLC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: [Tim.Drake@Maine.gov](mailto:Tim.Drake@Maine.gov) .

MMC WEBSITE:<http://www.maine.gov/dacf/milkcommission/index.shtml>

DACF RULEMAKING LIAISON: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov) .