**State of Maine: Notice of Agency Rulemaking – January 11, 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: **16-633** – Department of Public Safety (DPS), **Gambling Control Unit**

(Regulation of Sports Wagering)

CHAPTER NUMBER AND TITLES:

**Ch. 50** – Introduction

**Ch. 51** – Definitions

**Ch. 52** – License Application, Fee and Renewal

**Ch. 53** – Internal Controls

**Ch. 54** – Facility Operator Operational Requirements

**Ch. 55** - Physical Premise Requirements

**Ch. 56** - House Rules

**Ch. 57** – Sports Wagering System Requirements

**Ch. 58** – Sports Wagers

**Ch. 59** – Sports Wagering Kiosks

**Ch. 60** – Sports Wagering Accounts

**Ch. 61** – Sports Wagering Revenue Reconciliations

**Ch. 62** – Geolocation and Remote Access

**Ch. 63** – Responsible Wagering Program

**Ch. 64** – Advertising and Promotions

**Ch. 65** – Management Service Contract Criteria

**Ch. 66** – Complaints and Disciplinary Actions

TYPE OF RULES: Routine Technical

PROPOSED RULE NUMBERS: **2023-P001 *to* P017**

BRIEF SUMMARY: These rules are to comply with changes in state law under 8 MRSA Ch. 35. Establishes rules for Sports wagering to include eligibility for license, operational and physical premise requirements, wagering systems and accounts, responsible gaming, advertising and promotions and complaints.

PUBLIC HEARING: January 31, 2023 – 9 a.m. - at 45 Commerce Drive, Augusta, ME 04333

COMMENT DEADLINE: March 3, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFFORMATION: Milton Champion, Gambling Control Unit, 45 Commerce Drive, Augusta ME 04333 Telephone: (207) 626-3900. Email: Milton.F.Champion@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §1203(1.) & (2.)

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

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html>.

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Paul.F.Cavanaugh@Maine.gov.

**ADOPTIONS**

AGENCY: **94-412 – Saco River Corridor Commission**

CHAPTER NUMBER AND TITLE: **Ch. 103**, Standards to Address the Environmental Factors

ADOPTED RULE NUMBER: **2023-001**

CONCISE SUMMARY: This adoption includes simple technical changes to the rule to coincide with the other performance standards. These changes will not alter the operation of this rule.

EFFECTIVE DATE: January 10, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Dalyn Houser, Executive Director, Saco River Corridor Commission, 81 Maple Street, Cornish, Maine 04020. Telephone: (207) 625-8123. Email: [www.srcc-maine.org](http://www.srcc-maine.org).

COMMISSION WEBSITE: <https://srcc-maine.org/>.

AGENCY: **94-412 – Saco River Corridor Commission**

CHAPTER NUMBER AND TITLE: **Ch. 104-A** *(New)*, Performance Standards for Multi-Unit Uses, including Condominium and Cluster Development within the General Development District.

ADOPTED RULE NUMBER: **2023-002**

CONCISE SUMMARY: This proposed new performance standard is solely for multi-unit uses, which are included but not limited to apartments, condominiums, accessory dwelling units, and cluster developments. The Commission recognizes that in these instances multi-unit uses are appropriate in the Corridor when the use is connected to Municipal sewer, dependent on the design and available land within the General Development District.

EFFECTIVE DATE: January 10, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Dalyn Houser, Executive Director, Saco River Corridor Commission, 81 Maple Street, Cornish, Maine 04020. Telephone: (207) 625-8123. Email: [www.srcc-maine.org](http://www.srcc-maine.org).

COMMISSION WEBSITE: <https://srcc-maine.org/>.

AGENCY: **94-412 – Saco River Corridor Commission**

CHAPTER NUMBER AND TITLE: **Ch. 107**, Performance Standards Governing expansions of Existing Nonconforming Uses, including Structures

ADOPTED RULE NUMBER: **2023-003**

CONCISE SUMMARY: This adoption accomplishes five (5) primary revisions to Chapter 107, resulting in standards that are, in some areas, more restrictive, while in others, less restrictive. Importantly, the standards do not compromise the Commission’s ability to attain its mission of lessening the environmental impacts to the Saco River Corridor.

EFFECTIVE DATE: January 10, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Dalyn Houser, Executive Director, Saco River Corridor Commission, 81 Maple Street, Cornish, Maine 04020. Telephone: (207) 625-8123. Email: [www.srcc-maine.org](http://www.srcc-maine.org).

COMMISSION WEBSITE: <https://srcc-maine.org/>.

AGENCY: **19-100 - Department of Economic and Community Development (DECD)**

CHAPTER NUMBER AND TITLE: **Ch. 400**, Employment Tax Increment Financing

ADOPTED RULE NUMBER: **2023-004**

CONCISE SUMMARY: The rule change brings the rule in line with changes to the Employment Tax Increment Financing (ETIF) statute enacted by PL 2021 c. 602 (LD 1156). ETIF payments will now be based on a fixed percentage of qualified employees’ gross wages instead of state income tax withholdings. The rule changes also correct certain phrases and dates for consistency.

EFFECTIVE DATE: January 11, 2023

AGENCY CONTACT PERSON: Phoenix McLaughlin, Department of Economic and Community Development, Office of Business Development, 59 State House Station, Augusta, ME 04333. Telephone: (207) 624-9813. Email: Phoenix.McLaughlin@Maine.gov.

DECD WEBSITE: <https://www.maine.gov/decd/>.

DECD RULEMAKING LIAISON: Ben.Sturtevant@Maine.gov.

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

CHAPTER NUMBER AND TITLE: **Ch. 11**, Scallops: 11.08, Targeted Closures: (8) East Moosabec Reach LAA; (9) Upper Chandler Bay, and (10) Upper Narraguagus Bay

ADOPTED RULE NUMBER: **2023-005** *(Emergency)*

CONCISE SUMMARY: The Commissioner adopts this emergency rulemaking to establish scallop conservation closures for East Moosabec reach LAA, Upper Chandler Bay and Upper Narraguagus Bay, all in Zone 2. The Department is concerned that continued harvesting for the remainder of the 2022-2023 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2022 Scallop surveys that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in four important scallop harvest areas. For these reasons, the Commissioner hereby adopts an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 MRS §6171(3)(A).

EFFECTIVE DATE: January 8, 2023

DMR CONTACT PERSON: Melissa Smith (207-441-5040), Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Fax: (207) 624-6024. TTY: (888) 577-6690 (Deaf/Hard of Hearing). Email: Melissa.Smith@Maine.gov.

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

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

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

AGENCY: **19-499** - Department of Economic and Community Development (DECD), **Office of Business Development (OBD)**

CHAPTER NUMBER AND TITLE: **Ch. 303** *(New)*, Rural Workforce Recruitment and Retention Grant

ADOPTED RULE NUMBER: **2023-006**

CONCISE SUMMARY: The rule sets forth the procedures, criteria and program review governing the Rural Workforce Recruitment and Retention Grant Program statute enacted by PL 2022 c. 420 (LD 492).

EFFECTIVE DATE: January 15, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Ben Sturtevant, Department of Economic and Community Development - Office of Business Development, 59 State House Station, Augusta, ME 04333. Telephone: (207) 624-9869. Email: Ben.Sturtevant@Maine.gov.

DECD WEBSITE: <https://www.maine.gov/decd/>.