**State of Maine: Notice of Agency Rulemaking – January 12, 2022**

**PROPOSALS**

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 170**, Degassing of Petroleum Storage Tanks, Marine Vessels, and Transport Vessels

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P002**

BRIEF SUMMARY: The Department is proposing this new rule to establish requirements to minimize emissions from the degassing of certain petroleum storage tanks, marine vessels, and transport vessels, and to ensure that these operations do not negatively impact air quality or public health. The standards and requirements proposed are based on, and consistent with, control requirements in other jurisdictions.

PUBLIC HEARING: February 3, 2022, 9:00 a.m., Deering Building, Room 101, 90 Blossom Lane, Augusta

COMMENT DEADLINE: February 18, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Lynn Muzzey, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2229. Email: Lynn.Muzzey@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §§ 585, 585-A.

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

DEP WEBSITE: <https://www.maine.gov/dep/>

DEP RULEMAKING LIAISON: Mark.T.Margerum@Maine.gov.

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 171**, Control of Petroleum Storage Facilities

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2022-P003**

BRIEF SUMMARY: LD 163, *An Act Concerning the Regulation of Air Emissions at Petroleum Storage Facilities,* requires the Department to initiate rulemaking to align with the new requirements contained in 38 MRS §590 subsection 1. The proposed rule establishes new control, operating, inspection, testing, monitoring, recordkeeping, and reporting requirements for petroleum storage facilities throughout the state, in accordance with the requirements outlined by the legislature.

PUBLIC HEARING: February 3, 2022 - 9:00 a.m., Deering Building, Room 101, 90 Blossom Lane, Augusta

COMMENT DEADLINE: February 18, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Lynn Muzzey, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2229. Email: Lynn.Muzzey@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 38 M.S §§ 585, 585-A, 590(1)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

DEP WEBSITE: <https://www.maine.gov/dep/>

DEP RULEMAKING LIAISON: Mark.T.Margerum@Maine.gov.

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

CHAPTER NUMBER AND TITLE: **Ch. 2**, Medical Marijuana Program Rule; *also repeals* **Ch. 4**, Marijuana Manufacturing Facilities

TYPE OF RULE : Major Substantive

PROPOSED RULE NUMBER: **2022-P004, P005**

BRIEF SUMMARY: These rules and the enabling statute, 22 MRS ch. 558-C, the *Maine Medical Use of Marijuana Act*, govern the Maine Medical Use of Marijuana Program (MMMP). These rules repeal and replace 18-691 CMR ch. 2 and 4, and establish the registration and compliance requirements for caregivers, dispensaries, manufacturing facilities and marijuana testing facilities assisting qualifying patients with the medical use of marijuana, including fees and registration processes and compliance requirements for cultivating, manufacturing, testing, selling, purchasing or otherwise transferring or receiving medical marijuana for the purpose of providing care to qualifying patients.

PUBLIC HEARING: February 3, 2022, 10:00 a.m., via ZOOM. *Members of the public may register to participate in the public hearing at:* [*https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking*](https://www.maine.gov/dafs/omp/medical-use/rules-statutes/rulemaking)*, or by emailing* *Gabi.Pierce@Maine.gov* *or calling (207) 287-3282.*

COMMENT DEADLINE: 11:59 p.m., Sunday, February 13, 2022.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Gabi Pierce, Department of Administrative and Financial Services, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04330. Telephone: (207) 530-0507. Email: Gabi.Pierce@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: There will be no financial impact on municipalities or counties.

STATUTORY AUTHORITY FOR THIS RULE: Title 22 ch. 558-C

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same.

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

DAFS RULEMAKING LIAISON: Anya.Trundy@Maine.gov.

AGENCY: **16-633** - Department of Public Safety (DPS), **Gambling Control Board**

CHAPTER NUMBER AND TITLE: **Ch. 5**, Internal Controls, *and* Appendix A

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P006**

BRIEF SUMMARY: The rule package updates the rules governing casino operations.

PUBLIC HEARING: N/A

COMMENT DEADLINE: February 11, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Milton Champion, 45 Commerce Drive - Suite 3, Augusta, ME 04333-0087. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE:8 MRS §1003(1)(B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

DPS RULEMAKING LIAISON: Christopher.Parr@Maine.gov.

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 11.08**, Scallops: Targeted Closures: **(9)** Gouldsboro & Dyers Bay LAA; **(10)** Wahoa Bay & West Moosabec Reach LAA

ADOPTED RULE NUMBER: **2022-001** *(Emergency)*

CONCISE SUMMARY: The Commissioner adopts this emergency rulemaking to establish scallop conservation closures for the Gouldsboro and Dyers Bays limited access area and Wahoa Bay including the West Moosabec Reach limited access area all within Zone 2. The Department is concerned that continued harvesting for the remainder of the 2021-2022 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2021 Spring Scallop survey 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 these three scallop resource 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 2, 2022

AGENCY CONTACT PERSON: Melissa Smith ((207) 441-5040), Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. WEBSITE: <http://www.maine.gov/dmr/rulemaking/>. Fax: (207) 624-6024. TTY: (888) 577-6690 (Deaf/Hard of Hearing). Email: .Melissa.Smith@Maine.gov.

DMR WEBSITE: <https://www.maine.gov/dmr/index.html>.

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

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 324**, Small Generator Interconnection Procedures

ADOPTED RULE NUMBER: **2022-002**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to the Commission’s Small Generator Interconnection Proceduresrule (ch. 324). This adoption follows an Inquiry conducted by the Commission. The Inquiry was initiated in a February 9, 2021. Notice of Inquiry and was conducted for the limited purpose of gathering information regarding (1) the screening process for interconnecting Level 2 generating facilities, and (2) potential penalties for utility non-compliance with the timing and schedule requirements of ch. 324.

EFFECTIVE DATE: January 9, 2022

MPUC CONTACT PERSON / RULEMAKING LIAISON: Jamie Waterbury, Maine Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1360. Email: Jamie.A.Waterbury@Maine.gov .

MPUC WEBSITE: <https://www.maine.gov/mpuc/>.

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 815**, Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities

ADOPTED RULE NUMBER: **2022-003**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to the Commission’s Consumer Protection Standards for Electric and Gas (ch. 815). The adopted amendments address notice requirements during the winter disconnection period, as directed by *An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime*, Public Law 2021 ch. 347 §1.

EFFECTIVE DATE: January 9, 2022

MPUC CONTACT PERSON / RULEMAKING LIAISON: Jamie Waterbury, Maine Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1360. Email: Jamie.A.Waterbury@Maine.gov .

MPUC WEBSITE: <https://www.maine.gov/mpuc/>.

AGENCY: **94-457 - Finance Authority of Maine (FAME)**

CHAPTER NUMBER AND TITLE: **Ch. 619**, Amendment 1: Foreign Credentialing and Skills Recognition Revolving Loan Program

ADOPTED RULE NUMBER: **2022-004**

CONCISE SUMMARY: The rule amendments implement recent legislative changes to the program’s governing statute. These changes include: adding as a loan-eligible expense the costs of the filing fee for an immigrant's initial work permit application; defining "initial work permit"; ensuring that a change in federal regulations will not require a future statutory amendment of the provision of the program governing eligibility; and changing a specific time-frame while waiting for asylum to an unspecified time period while waiting on an application for asylum or other immigrant benefit or relief.

EFFECTIVE DATE: January 9, 2022

FAME CONTACT PERSON: William Norbert, Esq., Finance Authority of Maine, 5 Community Drive, Augusta, ME 04332. Telephone: (207) 623-3263 x 3540. Email: wnorbert@famemaine.com.

FAME WEBSITE: <https://www.famemaine.com/>.

FAME RULEMAKING LIAISON: CRoney@FameMaine.com.

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

CHAPTER NUMBER AND TITLE: **Ch. 10**, Policy and Procedures Manual – Adult: **Subsection 27.2**, Supervised Community Confinement

ADOPTED RULE NUMBER: **2022-005**

CONCISE SUMMARY: This rule fulfills the requirements of 34-A MRSA Section 3036-A, as amended by Public Law 2021 ch. 376, entitled “An Act to Provide Pathways to Rehabilitation, Reentry and Reintegration.” The provisions in this rule establish the timeframes for when a resident of a Department of Corrections adult facility is eligible to apply for transfer to supervised community confinement, the application process, the criteria and process for determining whether a resident is approved for transfer, and requirements after transfer to supervised community confinement.

EFFECTIVE DATE: January 10, 2022

MDOC CONTACT PERSON / RULEMAKING LIAISON: Mary Lucia, Maine Department of Corrections, 111 State House Station, Augusta, Maine 04333. Telephone: (207) 530-0983. Email: Mary.A.Lucia@Maine.gov .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 19** *(New)*, Rules Governing Apprenticeship in Construction of Energy Generation Facilities

ADOPTED RULE NUMBER: **2022-006**

CONCISE SUMMARY: The purpose of this chapter is to provide definitions and procedures for implementing apprenticeship standards in the construction of certain energy generation facilities pursuant to 26 MRS ch. 43 §3501 and $3502. These rules apply to construction employers who are engaged in the construction of a generation facility.

EFFECTIVE DATE: January 15, 2022

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.

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