**State of Maine: Notice of Agency Rulemaking – February 9, 2022**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.11**, Migratory Game Bird Hunting

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P012**

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife is proposing to amend ch. 16.11 rules pertaining to season dates and bag limits for the hunting of ducks, geese and other migratory game birds. The proposed rules will protect migratory game birds from over-harvest by setting these limitations. The proposal is similar to the previous years’ final season framework, however, upon recommendation from the Atlantic Flyway Council, the special sea duck season was eliminated by the USFWS, placing sea duck harvest within the regular duck season and part of the overall 6 duck daily bag limit. Although the special sea duck season was eliminated, the Sea Duck Hunting Area remains in place to allow for the shooting of crippled waterfowl under power, allowed in the USFWS Federal Register and is defined as all coastal waters and waters of rivers and streams seaward from the first upstream bridge. Also of note, the restriction of 2 hooded mergansers was lifted, following determination by Atlantic Flyway biologists that hooded merganser harvest is low and the population can sustain an increase to a 5-duck per day limit. The USFWS Service Regulations Committee approved this option for all Atlantic Flyway States. Please contact the agency contact person for a complete copy of the proposed rule.

PUBLIC HEARING: Wednesday, March 2, 2022 @ 4:00 p.m. – Camden National Bank Ice Vault, 203 Whitten Road, Hallowell, ME

COMMENT DEADLINE: March 14, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 41 State House Station - 284 State Street, Augusta, ME 04333; Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov) .

IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 11855

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

IFW WEBSITE: <https://www.maine.gov/ifw/>.

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.10**, Wild Turkey Hunting (Fall Season)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P013**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing to amend wild turkey hunting rules to allow harvest during the fall season in Wildlife Management Districts (WMDs) 7, 8 and 14. If adopted, these WMDs would become open during the fall turkey season with a bag limit of one turkey of either sex. All other rules for fall wild turkey hunting will apply. A copy of the complete proposal can be requested from the Agency Contact Person.

PUBLIC HEARING: Monday, February 28, 2022 @ 4:00 p.m. – Inland Fisheries and Wildlife, 353 Water Street - 4th floor conference room, Augusta, ME

COMMENT DEADLINE: March 10, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries & Wildlife, 41 State House Station - 284 State Street, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 11701

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

IFW WEBSITE: <https://www.maine.gov/ifw/>.

AGENCY: **01-001 - Department of Agriculture, Conservation and Forestry (DACF)**

CHAPTER NUMBER AND TITLE: **Ch. 330**, License Fees to Manufacture and Sell Food & Beverages

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P014**

**BRIEF SUMMARY**: The principal reason for rule amendments to ch. 330, *License Fees to Manufacture and Sell Food & Beverages*, is in response to "Emergency Legislation" enactment by the 130" Legislature LD 416, “An Act Regarding the Production and Sale of Birch Syrup and Birch Syrup Products" which sets forth standards for processing and labeling of birch syrup and birch products. The updated rule provides for good manufacturing practices and labeling requirements for the processing of birch syrup and birch products to be equal to maple syrup processing requirements. As Birch Syrup and Birch Product have been added to the rule, the department is updating the fee structure to include the cost of a Birch Syrup processing license to be the same as Maple Syrup processing.

**DETAILED SUMMARY**: The current rule amendments to ch. 330, *License Fees to Manufacture and Sell Food & Beverages,* establishes the license fee for maple syrup processing. LD 416, “An Act Regarding the Production and Sale of Birch Syrup and Birch Syrup Products" established requirements for the processing and labeling of birch syrup that are the same as maple syrup. Amendment to the rule to add birch syrup to the fee structure is consistent with the legislative requirement.

**PUBLIC HEARING**: March 2, 2022, starting at 10:00 a.m. *Because of the COVID-19 Public Health Emergency and Pursuant to 1 MRS §403-A, enacted by PL 2020 ch. 617 part G (eff. March 18, 2020), this hearing will be held on-line by Microsoft Teams Meeting and telephonically. Directions on how to join the Microsoft Teams Meeting or telephonically with be posted on the Maine Department of Agriculture, Conservation & Forestry website (*[*www.maine.gov/dacf/*](http://www.maine.gov/dacf/)*).*

COMMENT DEADLINE: March 18, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Celeste Poulin, Director, Quality Assurance and Regulations, 28 State House Station - 90 Blossom Lane, Augusta, Maine 04333. Telephone: (207) 287 3841. Fax: (207) 287-5576. TTY. 1 (800) 437-1220. Email: [Celeste.Poulin@Maine.gov](mailto:Celeste.Poulin@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 21 MRS §2154

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: None

AGENCY WEBSITE: [www.maine.gov/dacf/qar/](http://www.maine.gov/dacf/qar/).

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

AGENCY: **01-001 - Department of Agriculture, Conservation and Forestry (DACF)**

CHAPTER NUMBER AND TITLE: **Ch. 347**, Birch And Maple Syrup Processing

TYPE OF RULE*:* Routine Technical

PROPOSED RULE NUMBER*:* **2022-P015**

BRIEF SUMMARY: The principal reason for rule amendments to ch. 347, *Maple Syrup Processing*, is in response to "Emergency Legislation" enactment by the 130th Legislature "LD 416, *An Act Regarding the Production and Sale of Birch Syrup and Birch Syrup Products*, which sets forth standards for processing and labeling of birch syrup and birch products. The updated rule provides for good manufacturing practices and labeling requirements for the processing of birch syrup and birch products to be equal to maple syrup processing requirements.

PUBLIC HEARING:March 2, 2022, starting at 10:00 a.m. *Because of the COVID-19 public health emergency and pursuant to 1 MRS §403-A, enacted by PL 2020 ch. 617 part G (eff. March 18, 2020), this hearing will be held on-line by Microsoft Teams Meeting and telephonically. Directions on how to join the Microsoft Teams Meeting or telephonically with be posted on the Maine Department of Agriculture, Conservation & Forestry website* [*(www.*](http://www/)*maine.gov/dacf/).*

COMMENT DEADLINE: March 18, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Celeste Poulin, Director, Quality Assurance and Regulations, 28 State House Station - 90 Blossom Lane, Augusta, Maine 04333. Telephone: (207) 287 3841. Fax: (207) 287-5576. TTY. 1 (800) 437-1220. Email: [Celeste.Poulin@Maine.gov](mailto:Celeste.Poulin@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 21 MRS §2154

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: None

AGENCY WEBSITE: [www.maine.gov/dacf/qar/](http://www.maine.gov/dacf/qar/).

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

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 11**, Scallops: **11.08**, Targeted Scallop Conservation Closures: **(11)** Johnson Bay & Eastport Breakwater

ADOPTED RULE NUMBER: **2022-016** *(Emergency)*

CONCISE SUMMARY: The Commissioner adopts this emergency rulemaking to establish a scallop conservation closure for Johnson Bay and Eastport Breakwater within Zone 3. 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 Fall 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 Johnson Bay and Eastport Breakwater area. 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: February 6, 2022

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

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

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

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

AGENCY: **18-125** - Department of Administrative & Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services – Taxation)**

CHAPTER NUMBER AND TITLE: **Ch. 210** *(New)*, Telecommunications Excise Tax

ADOPTED RULE NUMBER: **2022-017**

CONCISE SUMMARY: Maine imposes an excise tax on all qualified telecommunications equipment located in the State. Maine Revenue Services is responsible for assessing the tax on qualified telecommunications equipment owned or leased by a telecommunications business. Qualified telecommunications equipment owned or leased by a person who is not a telecommunications business must be assessed a tax by the assessor of the municipality in which the equipment is located. Any property subject to the telecommunications excise tax is exempt from municipal property tax. Enacted rule 210 establishes a written process for the assessment, filing, and payment of this tax.

EFFECTIVE DATE: February 13, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, Maine 04333. Telephone: (207) 624-9712. Email: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov).

AGENCY WEBSITE: <https://www.maine.gov/revenue/>.