**State of Maine: Notice of Agency Rulemaking – February 14, 2024**

**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: **65-407 - Public Utilities Commission**

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P056**

BRIEF SUMMARY: The Commission initiates a rulemaking proceeding to consider proposed amendments to the Commission’s Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities (Chapter 815). The proposed amendments include substantial modifications intended to 1) reduce the uncollectible accounts of utilities thereby reducing upward pressure on rates for all customers, 2) amend the dispute resolution procedures, 3) respond to recent legislation, and 4) make routine, stylistic and updating changes.

PUBLIC HEARING: **March 6, 2024 at 1:00PM** at the Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. Persons unable to attend this conference in person may elect to participate virtually by emailing dale.coty@maine.gov at the Commission and requesting a Microsoft Teams invitation. Those unable to attend via video may participate by phone using the dial-in information that appears on the Microsoft Teams invitation (obtained as described above).

COMMENT DEADLINE: Written comments on the proposed rule may be filed with the Administrative Director until **March 27, 2024**. However, the Commission requests that comments be filed by **February 28, 2024**, to allow for follow-up inquiries during the hearing; supplemental comments may be filed after the hearing by **March 27, 2024**. Written comments should refer to the docket number of this proceeding, Docket No. 2023-00323; be directed to the Administrative Director, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333-0018; and be filed electronically in the Commission’s Case Management System.

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Eric Bryant 18 State House Station, Augusta, ME 04333; Phone: (207) 287- 1313; Email: Eric.J.Bryant@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: Minimal

STATUTORY AUTHORITY FOR THIS RULE: 35-A M.R.S. §§ 104, 111, 704, 719, 1308; P.L. 2021 ch. 347, P.L. 2021, ch. 586.

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Pamela.Kowalchuk@maine.gov

AGENCY: **06-096 - Department of Environmental Protection**

CHAPTER NUMBER AND TITLE: **Ch. 375,** No Adverse Environmental Effect Standards of the Site Location of Development Act

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2024-P057**

DETAILED SUMMARY:In P.L. 2023 ch. 448, the Legislature directed the Department to establish a compensation fee program for renewable energy development projects, specifically solar energy development, wind energy development, and high-impact transmission lines that trigger the Site Location of Development law. The new statute requires this program to allow for the payment of a compensation fee when the Department determines that off-site habitat improvement or preservation is necessary to mitigate the adverse effects of a renewable energy development on large undeveloped habitat blocks, important wildlife corridors, and other habitat types identified in consultation with the Department of Inland Fisheries and Wildlife.

The Department is proposing to amend Chapter 375, No Adverse Environmental Effect Standards of the Site Location of Development Act, to define these habitat resources and establish a compensation fee program. Compensation would be required if there would be any alteration to a deer wintering area, habitat of rare, threatened or endangered species, migratory bird pathway, or important wildlife corridor, or when there are certain alterations to large undeveloped habitat blocks. Compensation would be required if there would be more than 150 acres of alteration to core habitat in a large undeveloped habitat block in the Southern ecoregion, 250 acres in the Central Interior and Midcoast ecoregion, and 350 acres in other ecoregions, or when the development would eliminate a large undeveloped habitat block in the Southern or Central Interior and Midcoast ecoregion. A map intended to help understand the proposed amendment is available here. More information and a link to a map intended to help understand the proposed rule revision is available at the Department’s rulemaking website: <https://www.maine.gov/dep/rules/index.html>

PUBLIC HEARING: March 7, 2024, 9 AM, Augusta Civic Center, 76 Community Dr, Augusta, ME 04330

COMMENT DEADLINE: March 18, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Naomi Kirk-Lawlor, State House Station 17, Augusta, Me 04333. Phone: 207-287-7844. Email: Naomi.Kirk-Lawlor@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: P.L. 2023, ch. 448 and 38 MRSA § 341-H

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Mark.T.Margerum@Maine.gov

AGENCY: **06-096 - Department of Environmental Protection**

CHAPTER NUMBER AND TITLE: **Ch. 428,** Stewardship Program for Packaging

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P058**

BRIEF SUMMARY: This proposed rule provides details for implementing the Packaging Stewardship Program pursuant to 38 M.R.S. § 2146, with the goals of reducing the burden to municipalities of managing packaging material and improving the design and management of packaging material. It characterizes packaging material, provides a method for determining municipal reimbursement and producer fees, provides a method and criteria for investing in infrastructure and education, details alternative collection programs, establishes a cap for the packaging stewardship fund, and provides mechanisms for ongoing assessment and updates to the program.

PUBLIC HEARING: March 7, 2024, 9:00 AM, Augusta Civic Center, 76 Community Drive, Augusta, Maine

COMMENT DEADLINE: March 18, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Brian Beneski, 17 State House Station, Augusta, ME 04333; Phone: (207) 592-0248, Email: Brian.Beneski@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:  No significant fiscal impact on municipalities or counties is anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 38 M.R.S. §2146. Stewardship Program for Packaging

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

AGENCY WEBSITE: [Maine's Department of Environmental Protection Rulemaking Webpage](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fdep%2Frules%2Findex.html&data=05%7C02%7CJessica.Nadeau%40maine.gov%7C8af944a4b69442e0451808dc218f9d71%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638422147906197022%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=%2FNizjbCSsxlphLYbQ2cSOylae4XF1FcH7gu3odGvdwY%3D&reserved=0)

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:

Mark.T.Margerum@maine.gov

AGENCY: **06-096 - Department of Environmental Protection**

CHAPTER NUMBER AND TITLE: **Ch. 534,** Wastewater Treatment Plant Operator Certifications – Revocation or Suspension

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P059**

BRIEF SUMMARY: The Department may revoke or suspend wastewater treatment plant operator certifications pursuant to Maine’s Sewage Treatment Operators law, 32 M.R.S. § 4175-A and the Department’s Wastewater Treatment Plant Operator Certification rule, 06-096 C.M.R. ch. 531. This rule provides the procedure for the Commissioner’s consideration of revoking or suspending a wastewater treatment plant operator certification through notice and opportunity for a hearing pursuant to the Maine Administrative Procedures Act (MAPA), 5 M.R.S. §§ 8001-11008.

PUBLIC HEARING: None scheduled. There is a 30-day written comment period. A public hearing will be held if the Department receives 5 or more requests before the end of the comment period.

COMMENT DEADLINE: March 18, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Matthew Hight, 17 State House Station, Augusta, Me 04333. Phone: 207-719-0703, Email: Matt.Hight@maine.gov

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S., Section 4179, 32 M.R.S., Section 4175-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same as above.

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Mark.T.Margerum@maine.gov

**ADOPTIONS**

AGENCY: **16-227 -** Department of Public Safety, **Maine Criminal Justice Academy Board of Trustees**

CHAPTER NUMBER AND TITLE: **Ch. 5,** Training Standards

ADOPTED RULE NUMBER: **2024-030**

CONCISE SUMMARY: The Maine Criminal Justice Academy Board of Trustees is enacting changes to this rule to better inform Maine Criminal Justice Academy staff, applicants for law enforcement and corrections training, and law enforcement and corrections certificate holders about the procedures for applying to attend training, training requirements, maintenance of certifications, and recertification. Additionally, the rule creates a separate training program and certification standards for juvenile corrections officers pursuant to 25 M.R.S. § 2803-A(5-B) as corrections officers in juvenile correctional facilities need to operate differently from corrections officers in adult correctional facilities to achieve their correctional objectives.

EFFECTIVE DATE: February 13, 2024

AGENCY CONTACT PERSON: Assistant Director Lincoln Ryder, Maine Criminal Justice Academy, 15 Oak Grove Road, Vassalboro, ME 04989. Phone: 207-877-8008, Fax: 207-877-8027

AGENCY WEBSITE:  [www.maine.gov/dps/mcja](http://www.maine.gov/dps/mcja)
EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:  Lincoln.E.Ryder@maine.gov

AGENCY: **02-333 -** Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Licensure of Foresters**

CHAPTER NUMBER AND TITLE: **Ch. 70-A,** Licensure by Endorsement (new); **Ch. 70,** Qualifications for Forester License (amended); **Ch. 100,** Code of Ethics (repeal and replace)

ADOPTED RULE NUMBER: **2024-031, 2024-032, 2024-033**

CONCISE SUMMARY: The rules repeal and replace the Code of Ethics for licensed foresters and establish a pathway for licensure by endorsement for foresters applying for licensure in Maine on the basis of an active license in another U.S. jurisdiction in good standing.

EFFECTIVE DATE: February 13, 2024

AGENCY CONTACT PERSON:Catherine Pendergast, Regulatory Board Manager, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Licensure of Foresters, 35 State House Station, Augusta, ME 04333-0035. TELEPHONE: 207-624-8518, TTY: Maine relay 711, Email: Catherine.Pendergast@maine.gov

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-foresters>.
RULEMAKING LIAISON: Kristin.Racine@Maine.gov.