**State of Maine: Notice of Agency Rulemaking – March 20, 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: **01-001 - Department of Agriculture, Conservation & Forestry (Animal Welfare Program)**

CHAPTER NUMBER AND TITLE: **Ch. 702,** Rules for Low Income Spay Neuter Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P088**

BRIEF SUMMARY: Changes are due to 2023 enacted §3910-C(7) which adds “as determined by rule by the department” to statutory language regarding administrator qualifications for the Companion Animal Sterilization Fund, as well as addressing multiple statutory changes enacted in 2023 to the Companion Animal Sterilization Act statute, increasing program efficiency, and reducing administration costs.

PUBLIC HEARING: April 10, 2024 at 9am via Microsoft [Teams Link](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODEzYjYwZGYtNDNiYi00ZDlmLTgxY2ItYjY0ZGMyNzg2M2Y1%40thread.v2/0?context=%7b%22Tid%22%3a%22413fa8ab-207d-4b62-9bcd-ea1a8f2f864e%22%2c%22Oid%22%3a%220d23ac92-a083-4dee-bba4-a28f62135280%22%7d)

COMMENT DEADLINE: April 20, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Ronda Steciuk, 28 SHS, Augusta, ME 04333-0028. Telephone: 207-287-5531. Email: [Ronda.Steciuk@maine.gov](mailto:Ronda.Steciuk@maine.gov)

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

STATUTORY AUTHORITY FOR THIS RULE: 7 MRS §3910-B Companion Animal Sterilization Fund and §3910-C Companion Animal Sterilization Program

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

AGENCY WEBSITE: <https://www.maine.gov/dacf/ahw/animal_welfare/>

EMAIL FOR OVERALL AGENCY 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. 803,** Income Tax Withholding Reports and Payments

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P089**

BRIEF SUMMARY: Maine Revenue Services is proposing to amend Rule 803 (“Income Tax Withholding Reports and Payments”) to remove the requirement to file the annual reconciliation Form W-3ME for tax periods beginning on or after January 1, 2024 and to make related technical changes.

PUBLIC HEARING: N/A

COMMENT DEADLINE: April 19, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Alex Weber, Office of 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 *(if any)*:  N/A

STATUTORY AUTHORITY FOR THIS RULE: 36 M.R.S. § 112

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Anya.Trundy@maine.gov](mailto:Anya.Trundy@maine.gov)

**ADOPTIONS**

AGENCY: **12-170 –** Department of Labor, **Bureau of Labor Standards**

CHAPTER NUMBER AND TITLE: **Ch. 15,** Rules Relating to Severance Pay

ADOPTED RULE NUMBER: **2024-061**

CONCISE SUMMARY: Changes to address technical issues with the current rule clarifying definitions that previously resulted in questions. The changes bring the rule into better alignment with Bureau practices as well as streamlining the determination process.

EFFECTIVE DATE: March 18, 2024

AGENCY CONTACT PERSON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, ME 0433-0054. Telephone: 207-626-6232. Email: [Isaac.H.Gingras@maine.gov](mailto:Isaac.H.Gingras@maine.gov)

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AGENCY: **16-163 –** Department of Public Safety, **Maine Emergency Medical Services**

CHAPTER NUMBER AND TITLE: **Ch. 25,** Implementing the Maine EMS Stabilization Program

ADOPTED RULE NUMBER: **2024-062**

CONCISE SUMMARY:The Emergency Medical Service’s Board is adopting a permanent rule to implement procedures for allocating stabilization funds totaling $12,000,000 to emergency medical services (hereafter “EMS”) entities created by 32 M.R.S. §98, which are intended to provide financial assistance to EMS entities at immediate risk of failing and leaving their communities without access to adequate emergency medical services. This rule provides:

* Eligibility criteria;
* Allocation algorithms;
  + The maximum and minimum funding allocations based upon service type (transporting ground ambulance or nontransporting ground ambulance services);
* The evaluation process for applications received;
* The appeal process for application determinations;
* Requirements and criteria for use of funds;
* Identification of unauthorized use of funds;
* Reporting requirements; and
  + Delegation of authority to the Director of Maine EMS to enter into agreements with qualified applicants for the disbursement of stabilization funds totaling no more than $200,000 for any eligible EMS entities.

EFFECTIVE DATE: March 18, 2024

AGENCY CONTACT PERSON: Jason J. Cooney, 152 State House Station, Augusta, ME 04333-0152. Telephone: 207-626-3864, TTY: 207-287-3659, Fax: 207-287-6251. Email: [Jason.J.Cooney@maine.gov](mailto:Jason.J.Cooney@maine.gov)  
AGENCY WEBSITE: <https://www.maine.gov/ems/>  
EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: [Jason.J.Cooney@maine.gov](mailto:Jason.J.Cooney@maine.gov)

AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 4,** Municipal Shellfish Conservation Warden Certification

CONCISE SUMMARY: The rule amends the process for Municipal Shellfish Conservation Warden applicants and their Performance Standards. Specifically, it allows Municipal Shellfish Conservation Warden applicants to attend the MDMR Municipal Shellfish Conservation Warden Certification Course prior to receiving a formal nomination from an appointing municipality. It adds enforcement of minimum sizes of all shellfish species included in a municipality’s ordinance into the Performance Standards of Municipal Shellfish Conservation Wardens. The rule makes other minor clarifying changes.

ADOPTED RULE NUMBER: **2024-063**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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WEB SITE: <http://www.maine.gov/dmr/rulemaking/>

AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 7,** Requirements for Municipalities Having Shellfish Conservation Programs

CONCISE SUMMARY: This rulemaking modifies and clarifies the requirements of Municipal Shellfish Programs so that the Department of Marine Resources can consistently apply the same standards to all programs. These changes include amending the current definition of “period of issuance” and providing a new definition for the effective license year. Additionally, regulations regarding holding and removing shellfish on and from Municipal Limited Purpose Aquaculture license sites held by Shellfish Committees have been developed. The process for requesting permission to complete a shellfish resource survey in a closed area and the requirements for such surveys have been defined. Finally, the length of the comment period for Shellfish Programs to provide recommendations on intertidal mussel dragging has been increased from 21 to 30 days.

ADOPTED RULE NUMBER: **2024-064**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 32,** Elver Quota System for the 2024 Season and Temporary Medical Transfers of Elver Quota

CONCISE SUMMARY: This rulemaking establishes the elver quota allocations for the 2024 season for individuals licensed under §§6505-A and 6302-A, and the method of calculating individual elver quota allocations for individuals licensed under §6505-A. The quota for the Passamaquoddy Tribe has been adjusted in accordance with their overage in the 2023 season. 2024 allocations for individuals who held a license in 2023 will be the same as their 2023 allocations, plus any quota associated with licenses not renewed in 2023, or licenses suspended for the duration of the 2023 season, in excess of that which is allocated to new license holders authorized through the lottery, which will be distributed evenly to all existing license holders. In addition, the rulemaking specifies the parameters for a temporary medical transfer of elver quota.

ADOPTED RULE NUMBER: **2024-065**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 36,** Atlantic Herring; 2024 Administrative Update

CONCISE SUMMARY: This regulation amends language clarifying the default closing and open dates for spawning closures and strikes language within section D(3)(b)(ii)(A) as all harvest schedules are updated annually through the ASMFC Days Out Program. It clarifies that reporting requirements apply to all fish landed or retained.

ADOPTED RULE NUMBER: **2024-066**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 40,** Smelt Regulations (Smelt Clarification)

CONCISE SUMMARY: This rule-making reorganizes and clarifies existing regulations pertaining to fishing for smelt in Zones 1, 2, and 3. Regulations in Zone 2 and Zone 3 are unchanged, but rewritten for greater clarity and consistency. In Zone 1, the regulation extends the period of time during which smelt fishing may occur prior to the formation of ice from October 1 to December 31 to October 1 to January 31. All other management measures in Zone 1 remain unchanged. A clarification is provided that fishing for smelts in Zone 3 using gill nets or bag nets requires a commercial pelagic and anadromous license.

ADOPTED RULE NUMBER: **2024-067**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 41,** Atlantic Menhaden; 2024 Season

CONCISE SUMMARY: This rulemaking establishes limitations for the 2024 menhaden season. It establishes an annual end date for the fishery of November 30. It creates a new program in which two commercial menhaden license holders may enter into a Designated Partnership Agreement, which will allow either vessel to remove fish from a purse seine that has been set by one of the vessels in the Designated Partnership Agreement. A definition is provided for “fish box” or “tank” so that harvesters may use fish boxes or tanks to meet the requirement to store fish upon harvest. It clarifies that reporting requirements apply to all fish landed or retained. It creates an incidental bycatch limit of 1,050 lbs for individuals operating a pound net or fish weir during periods when the commercial menhaden fishery is paused by the Commissioner or when the commercial fishery is closed prior to the opening of the Episodic Event Set Aside Program. It amends the weekly limit for the State Allocated Fishery from 18,000 pounds to 17,850 pounds and amends the Small Scale Fishery daily limit from 6,000 to 5,950 pounds. The fishing and landing days for the Episodic Event Set Aside Program are proposed to be Monday and Thursday and the daily limit is increased from 6,000 lbs to 7,000 lbs.

ADOPTED RULE NUMBER: **2024-068**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: Chapter 55 Gear Restrictions

CONCISE SUMMARY: This rulemaking establishes standard practices for operating pound nets and fish weirs in Maine’s territorial waters. Bait gillnet requirements while harvesting under menhaden licenses are clarified. Outdated references are removed.

ADOPTED RULE NUMBER: **2024-069**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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AGENCY: **13-188 - Department of Marine Resources**

CHAPTER NUMBER AND TITLE: **Ch. 115,** *Vibrio parahaemolyticus* Control Plan

CONCISE SUMMARY: Under current regulation, certain areas of Maine’s territorial waters are subject to a Control Plan for *Vibrio parahaemolyticus* between June 1 and October 15. This rule-making protects consumers from all species of *Vibrio* by extending these requirements for oysters to all of Maine’s territorial waters during these months. The requirements for hard clams are limited to the upper New Meadows River through this rule-making. With the extension of these restrictions, harvester sales of oysters and upper New Meadows River hard clams from their homes are prohibited during these months. The recreational harvest of oysters and upper New Meadows River hard clams is also prohibited during these months, except for holders of Limited Purpose Aquaculture licenses removing oysters from their license sites, or in municipalities providing mandatory Vibrio training to recreational harvesters prior to licensing. The rule eliminates a current requirement to submit an annual harvest/purchase plan. It requires mandatory annual Department provided training for all oyster and some hard clam harvesters and certified shellfish dealers purchasing oysters or upper New Meadows River hard clams. It provides two options for methods for harvesters to follow to reduce time to temperature for oysters and upper New Meadows River hard clams. Finally, it removes the option of wet storing to remediate product that has not been subject to the appropriate time to temperature controls.

ADOPTED RULE NUMBER: **2024-070**

EFFECTIVE DATE: March 19, 2024

AGENCY CONTACT PERSON: Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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

CHAPTER NUMBER AND TITLE: **Ch. 300,** Dirigo Business Incentives Program *(Joint rule with DAFS, Maine Revenue Services)*

ADOPTED RULE NUMBER: **2024-071**

CONCISE SUMMARY:This establishes rules for the Dirigo Business Incentives Program created by PL 2023, c. 412, Part J. The rule provides additional detail to definitions of eligible sectors and qualified business activity and specifies the process of applying for a letter of certification.

EFFECTIVE DATE: March 20, 2024

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

AGENCY: **18-125 -** Department of Administrative and Financial Services, **Maine Revenue Services,**

CHAPTER NUMBER AND TITLE: **Ch. 815,** Dirigo Business Incentives Program *(Joint rule with Department of Economic and Community Development)*

ADOPTED RULE NUMBER: **2024-072**

CONCISE SUMMARY: This establishes rules for the Dirigo Business Incentives Program created by PL 2023, c. 412, Part J. The rule provides additional detail to definitions of eligible sectors and qualified business activity and specifies the process of applying for a letter of certification.

EFFECTIVE DATE: March 20, 2024

AGENCY CONTACT PERSON: Alex Weber, General Counsel, Maine Revenue Services, Department of Administrative and Financial Services, 24 State House Station, Augusta, Maine 04333. Telephone: 207-624-9712. Email: [Alexander.J.Weber@maine.gov](mailto:Alexander.J.Weber@maine.gov)