**State of Maine: Notice of Agency Rulemaking – April 12, 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: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 880**, Attachments to Joint-use Utility Poles; Determination and Allocation of Costs; Procedure

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-P075**

BRIEF SUMMARY: The Public utilities Commission initiates a rulemaking to amend Ch. 880 of the Commission's rules regarding attachments to joint use utility poles. Specifically, the Commission proposes to amend Ch. 880 to require participation by pole attachers in any pole management database implemented by owners of joint-use utility poles. In addition, the Commission proposes to amend Ch. 880 to implement in the rule the provisions of a waiver ordered by the Commission that corrected an error in the portions of Ch. 880 §2(A)(14)(a) that prescribe the order in which attaching entities must move attachments from a replaced joint-use utility pole to a new pole.

PUBLIC HEARING: May 2, 2023 - 3:00 p.m. *The Commission will hold a public hearing on the proposed rule on Tuesday, May 2, 2023, at 3:00 p.m. The hearing will be held in the Simpson Hearing Room at the offices of the Maine Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. Interested persons wishing to participate in the hearing remotely may contact the Commission for more information.*

COMMENT DEADLINE: May 19, 2023. This rulemaking will be conducted per the procedures set forth in 5 MRS §§ 8051-8064. Interested persons may file final written comments on the proposed rule in CMS, in Docket No. 2023-00058, no later than Friday, May 19, 2023. However, the Commission requests that interested persons file initial comments on the proposed amendments to the rule using the Commission's Case Management System (CMS), in Docket No. 2023-00058, on or before Wednesday, April 26, 2023.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Jordan McColman, MPUC, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1365. Email: [Jordan.D.McColman@Maine.gov](mailto:Jordan.D.McColman@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Minimal

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 711, 8302

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

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

MPUC RULEMAKING LIAISON: [Deirdre.Schneider@Maine.gov](mailto:Deirdre.Schneider@Maine.gov).

**ADOPTIONS**

AGENCY: **01-669** - Department of Agriculture, Conservation and Forestry (DACF), **Bureau of Forestry - Division of Forest Health and Monitoring**

CHAPTER NUMBER AND TITLE: **Ch. 35** *(New)*, Browntail Moth Mitigation Fund

ADOPTED RULE NUMBER: **2023-053**

CONCISE SUMMARY: This rule would establish standards for the administration of the Browntail Moth Mitigation Fund by the Bureau of Forestry. The Fund was created to provide funding to government entities or nonprofit organizations to support the mitigation of browntail moth in areas of Maine with significant populations. The draft rule includes details on the types of organizations that can apply for funds, the application process, the types of activities that could be funded and how funds will be disbursed.

EFFECTIVE DATE: April 9, 2023

DACF CONTACT PERSON / RULEMAKING LIAISON: Shannon Ayotte, DepARTMENT of Agriculture, Conservation and Forestry, 22 STATE House Station, Augusta, ME 04333. Telephone: (207) 287-5976. Email: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov).

AGENCY WEBSITES:

**Browntail Moth**: <https://www.maine.gov/dacf/mfs/forest_health/invasive_threats/browntail_moth_info.htm>.

**Maine Forest Service**: <https://www.maine.gov/dacf/mfs>.

**Department of Agriculture, Conservation and Forestry**: <https://www.maine.gov/dacf>.

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

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

ADOPTED RULE NUMBER: **2023-054**

CONCISE SUMMARY: The Commissioner of Inland Fisheries and Wildlife has amended Ch. 16.11 rules pertaining to season dates and bag limits for the hunting of ducks, geese, and other migratory game birds. The rules will protect migratory game birds from over-harvest by setting these limitations. The amendments are similar to the previous year’s final season framework with two notable changes. The USFWS approved a recommendation from the Atlantic Flyway Council to increase the daily bag limit of mallards from 2 per day to 4 per day (with no more than 2 being hen mallards). This bag limit increase is a result of an estimated increase in the overall eastern mallard population. Also of note is a reduction in the season for Brant, from a 50-day season and a 2-bird daily bag limit to a 30-day season and a 1-bird daily bag limit. Please contact the agency contact person for a complete copy of the rule.

EFFECTIVE DATE: April 10, 2023

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov).

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