**State of Maine: Notice of Agency Rulemaking – April 24, 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: **94-649 - Maine Commission on Indigent Legal Services**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Fee Schedule and Administrative Procedures For Payment of Court or Commission-Assigned Counsel

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P119**

BRIEF SUMMARY: This proposed rule will provide authority to the Executive Director that if counsel submits a voucher for work completed that, upon investigation, the Executive Director concludes violated any of the Maine Rules of Professional Conduct or Commission Rules, the voucher may be rejected—in whole or in part—and the Executive Director may deny payment for the same.

PUBLIC HEARING: May 14, 2024 1:00 pm in Room 500, Burton Cross Building, Augusta and on Zoom

COMMENT DEADLINE: May 25, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, jim.billings@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 4 M.R.S.A. §§ 1804(2)(F), (3)(B), (3)(F) and (4)(D)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jim.billings@maine.gov

AGENCY: **94-649 - Maine Commission on Indigent Legal Services**

CHAPTER NUMBER AND TITLE: **Ch. 301-A,** Payment for Attending and Reimbursement of Expenses Incidental to Attending Trainings

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P120**

BRIEF SUMMARY: This proposed rule clarifies that for multiday trainings, the 75% attendance requirement to qualify for payment will be applied based on counsel’s attendance at the entire training, rather than a per-day basis. This proposed rule also provides that untimely vouchers for payment or reimbursement of expenses governed by Chapter 301-A will not be paid.

PUBLIC HEARING: May 14, 2024 1:00 pm in Room 500, Burton Cross Building, Augusta and on Zoom

COMMENT DEADLINE: May 25, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, jim.billings@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 4 M.R.S.A. §§ 1804(2)(F)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jim.billings@maine.gov

AGENCY: **94-649 - Maine Commission on Indigent Legal Services**

CHAPTER NUMBER AND TITLE: **Ch. 302,** Procedures Regarding Funds for Experts and Investigators

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P121**

BRIEF SUMMARY: This proposed rule removes the requirement that an application for funds for expert or investigative assistance must be in writing and repeals the email application requirement and replaces with a requirement that the applications be completed on a form designated by the Executive Director.

PUBLIC HEARING: May 14, 2024 1:00 pm in Room 500, Burton Cross Building, Augusta and on Zoom

COMMENT DEADLINE: May 25, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, jim.billings@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 4 M.R.S.A. 1804(2)(G), (3)(A) and (4)(D)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jim.billings@maine.gov

AGENCY: **94-649 - Maine Commission on Indigent Legal Services**

CHAPTER NUMBER AND TITLE: **Ch. 4,** Caseload Standards for Assigned Counsel and Contract Counsel

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P122**

BRIEF SUMMARY: This proposed rule will establish caseload standards for assigned and contract counsel in homicide cases and when counsel serves as an MCILS Liaison. The proposed rule also sets the parameters for counsel setting their workload percentage and establishes how lawyer of the day points will be calculated.

PUBLIC HEARING: May 14, 2024 1:00 pm in Room 500, Burton Cross Building, Augusta and on Zoom

COMMENT DEADLINE: May 25, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, jim.billings@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 4 M.R.S.A. 1804(2)(C), (2)(G) and (4)(D)

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: jim.billings@maine.gov

AGENCY: **10-144 – Department of Health and Human Services, Maine Center for Disease Control and Prevention**

CHAPTER NUMBER AND TITLE: **Ch. 208,** Rules Relating to Boys, Girls, Boys and Girls, Day Camps and Primitive and Trip Camping

PROPOSED RULE NUMBER: **2023-P268**

BRIEF SUMMARY:

On December 27, 2023, the Department proposed amendments to this rule governing its licensing requirements for youth camps. After a public hearing on January 18, 2024, followed by the comment period ending on January 28, 2024, the 131st Legislature passed an Emergency Resolve to Require a Stakeholder Group to Participate in the Development of Rules Regarding Youth Camps on April 9, 2024. To comply with this Resolve and allow for a stakeholder process to take place prior to proposal of any rule changes, the Department is withdrawing its proposed rule.

The Department will be working to directly contact commenters, interested parties, and licensees, to solicit their interest in joining the stakeholder group. Any other members of the public interested in joining the stakeholder group are also invited to access the Department’s Maine CDC rulemaking site at <https://www.maine.gov/dhhs/mecdc/rules/maine-cdc-rules.shtml>, which will provide additional stakeholder guidance and materials throughout the stakeholder process. Upon completion of the stakeholder process, the Department will propose amendments for public input and hold a public hearing in accordance with the Maine Administrative Procedures Act, 5 M.R.S. § 8052.

PUBLIC HEARING: N/A

COMMENT DEADLINE: N/A

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Andrew Hardy, 11 SHS-286 Water Street, Augusta, ME 04333-0011. Telephone: (207) 287-4490; Email: Andrew.Hardy@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS § 2496(1)

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

AGENCY WEBSITE: [www.maine.gov/dhhs/mecdc/rules/](http://www.maine.gov/dhhs/mecdc/rules/)

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Andrew.Hardy@maine.gov

**ADOPTIONS**

**AGENCY:** Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

**CHAPTER NUMBER AND TITLE:** 18-125 CMR 101 – General Administrative Provisions

**ADOPTED RULE NUMBER:** **2024-088**

**CONCISE SUMMARY**

MRS is proposing to adopt a new Rule 101 to explain certain General Administrative Provisions. For now, this new Rule 101 will explain aspects of the reconsideration process related to interest and penalty accrual. Specifically, interest continues to accrue during the reconsideration process whereas penalties that otherwise would accrue are permanently abated during the reconsideration process until the underlying liability is considered “final.”

**EFFECTIVE DATE**: Saturday, April 27, 2024

**AGENCY CONTACT PERSON:** Alex Weber, General Counsel

**AGENCY NAME:** Maine Revenue Services

**ADDRESS:** 24 State House Station, Augusta, Maine 04333

**TELEPHONE:** 207-624-9712

**AGENCY:** Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

**CHAPTER NUMBER AND TITLE:** 18-125 CMR 102 – Electronic Funds Transfer (EFT)

**ADOPTED RULE NUMBER:** **2024-089**

**CONCISE SUMMARY**

Maine Revenue Services is proposing to amend Rule 102 (“Electronic Funds Transfer (EFT)”) to impose an electronic funds transfer requirement on payers of Maine real estate withholding beginning in 2025 and to clarify the rule by removing obsolete provisions, adding clarifying language, and making other technical changes.

**EFFECTIVE DATE**: Saturday, April 27, 2024

**AGENCY CONTACT PERSON:** Alex Weber, General Counsel

**AGENCY NAME:** Maine Revenue Services

**ADDRESS:** 24 State House Station, Augusta, Maine 04333

**TELEPHONE:** 207-624-9712

**AGENCY:** Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

**CHAPTER NUMBER AND TITLE:** 18-125 CMR 104 – Filing of Maine Tax Returns

**ADOPTED RULE NUMBER:** **2024-090**

**CONCISE SUMMARY**

Maine Revenue Services is proposing to amend Rule 104 (“Filing of Maine Tax Returns”) to impose an electronic filing requirement on taxpayers and certain taxpayer representatives for the filing of the following Maine tax returns: corporate income tax returns filed after 2024 if the taxpayer is required to file the related federal return electronically; real estate withholding returns due on or after January 1, 2025; financial institutions franchise tax returns and insurance premiums tax returns filed after 2024; and returns for certain special taxes, such as the blueberry tax, cannabis excise tax, cigarette tax, gasoline distributor tax, special fuel supplier tax, and other special taxes, filed after 2024. A waiver from the electronic filing requirement may be obtained if the requirement causes undue hardship. The proposed amended rule deletes obsolete provisions and contains technical changes for clarification.

**EFFECTIVE DATE**: Saturday, April 27, 2024

**AGENCY CONTACT PERSON:** Alex Weber, General Counsel

**AGENCY NAME:** Maine Revenue Services

**ADDRESS:** 24 State House Station, Augusta, Maine 04333

**TELEPHONE:** 207-624-9712

**AGENCY:** Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

**CHAPTER NUMBER AND TITLE:** 18-125 CMR 110 – Requests for Advisory Rulings

**ADOPTED RULE NUMBER:** **2024-091**

**CONCISE SUMMARY**

MRS is proposing to amend Rule 110 (“Requests for Advisory Rulings”) in order to clarify that MRS may decline any request for advisory ruling. MRS is also proposing to make certain other clarifications, regarding terminology and method of submission.

**EFFECTIVE DATE**: Saturday, April 27, 2024

**AGENCY CONTACT PERSON:** Alex Weber, General Counsel

**AGENCY NAME:** Maine Revenue Services

**ADDRESS:** 24 State House Station, Augusta, Maine 04333

**TELEPHONE:** 207-624-9712

**AGENCY:** Bureau of Revenue Services – Department of Administrative & Financial Services

**CHAPTER NUMBER AND TITLE:** 18-125 CMR 202 – Tree Growth Tax Law Valuations – 2024

**ADOPTED RULE NUMBER:** **2024-092**

**CONCISE SUMMARY**

Maine Revenue Services has repealed and replaced Rule 202 (Tree Growth Tax Law Valuations – 2024). The replaced rule provides updated valuation rates for each forest type by region.

**EFFECTIVE DATE**: Saturday, April 27, 2024

**AGENCY CONTACT PERSON:** Alex Weber, General Counsel

**AGENCY NAME:** Maine Revenue Services

**ADDRESS:** 24 State House Station, Augusta, Maine 04330

**TELEPHONE:** 207-624-9712

**AGENCY:** Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

**CHAPTER NUMBER AND TITLE:** 18-125 CMR 603 – Maine Estate Tax After 2012

**ADOPTED RULE NUMBER:** **2024-093**

**CONCISE SUMMARY**

Maine Revenue Services is proposing to amend Rule 603 (“Maine Estate Tax After 2012”) to remove the requirement that a copy of the federal estate tax closing letter be attached to the Maine amended estate tax return. The change is effective on the date of adoption. Technical changes are added to enhance clarity.

**EFFECTIVE DATE**: Saturday, April 27, 2024

**AGENCY CONTACT PERSON:** Alex Weber, General Counsel

**AGENCY NAME:** Maine Revenue Services

**ADDRESS:** 24 State House Station, Augusta, Maine 04333

**TELEPHONE:** 207-624-9712

**AGENCY:** Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)

**CHAPTER NUMBER AND TITLE:** 18-125 CMR 805 – Composite Filing

**ADOPTED RULE NUMBER:** **2024-094**

**CONCISE SUMMARY**

Maine Revenue Services is proposing to amend Rule 805 (“Composite Filing”) to reflect that the composite filing of a pass-through entity on behalf of eligible persons (certain nonresident individuals, trusts, and estates) is, for taxable years beginning after 2022, a separate, unique tax type. The amended rule also proposes to clarify that entity income does not include an eligible person’s distributive share of Maine-source net income of an entity if that income is less than zero and to make other technical changes for clarification.

**EFFECTIVE DATE**: Saturday, April 27, 2024

**AGENCY CONTACT PERSON:** Alex Weber, General Counsel

**AGENCY NAME:** Maine Revenue Services

**ADDRESS:** 24 State House Station, Augusta, Maine 04333

**TELEPHONE:** 207-624-9712

**AGENCY:** Department of Environmental Protection

**CHAPTER NUMBER AND TITLE:** Chapter 355 Coastal Sand Dune Rules

**ADOPTED RULE NUMBER:** **2024-095**

**CONCISE SUMMARY**

The purpose of this rulemaking is to update Chapter 355 Coastal Sand Dune Rules to replace outdated references by citing the most recent Coastal Sand Dune Geology Maps prepared by the Maine Geological Survey and dated 2023. This reflects the best scientific understanding of where coastal sand dunes, which are protected natural resources, exist in the State. This is a major substantive rulemaking that has been reviewed and approved by the legislature for final adoption.

**EFFECTIVE DATE**: Wednesday, May 22, 2024

**AGENCY CONTACT PERSON:**

Naomi Kirk-Lawlor

State House Station 17

Augusta, Me 04333

Phone: 207-287-7844

naomi.kirk-lawlor@maine.gov

**AGENCY: 12-172 Department of Labor, Bureau of Unemployment Compensation**

**CHAPTER NUMBER AND TITLE:** Chapter 27, WorkShare Rules

**ADOPTED RULE NUMBER:** **2024-096**

**CONCISE SUMMARY**

This is a new Rule to set forth the procedures and requirements for employers and employees who choose to participate in Maine’s Short-Term Compensation Program, known as the Work-Share Program.

**EFFECTIVE DATE**: Sunday, April 28, 2024

**AGENCY CONTACT PERSON:** Isaac H. Gingras

**AGENCY NAME:** Department of Labor

**ADDRESS:**54 State House Station

Augusta, ME 0433-0054

**TELEPHONE:**

207-626-6232

**AGENCY: Maine Milk Commission,** Agriculture, Conservation and Forestry

**CHAPTER NUMBER AND TITLE: Chapter 3-Schedule of Minimum Prices Order#05-24**

**ADOPTED RULE NUMBER:** **2024-097**

**CONCISE SUMMARY**

Minimum **May 2024** Class I price is **$21.71/cwt.** plus **$1.63/cwt**. for Producer Margins, an over-order premium of **$1.04/cwt** as being prevailing in Southern New England and **$0.47/cwt**. handling fee for a total of **$25.05/cwt**. that includes a $0**.20**/cwt Federal promotion fee.

**EFFECTIVE DATE**: Sunday, April 28, 2024

**AGENCY CONTACT PERSON: Julie-Marie R. Bickford**

**AGENCY NAME: Maine Milk Commission, DACF**

**ADDRESS: 28 SHS, Augusta, ME 04333**

**TELEPHONE: 207-287-7521**