**State of Maine: Notice of Agency Rulemaking – May 26, 2021**

**PROPOSALS**

AGENCY: **01-672** - Department of Agriculture, Conservation & Forestry (DACF), **Maine Land Use Planning Commission (LUPC)**

CHAPTER NUMBER AND TITLE: **Ch. 10***,* Land Use Districts and Standards

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER*:* **2021-P091**

BRIEF SUMMARY: The Maine Land Use Planning Commission has received a rulemaking petition signed by 191 registered voters of the state. The petition proposes to prohibit certain medical marijuana and certain adult use marijuana facilities in the Community Center Development (D-GN2) Subdistrict within the Prospective Zoning Plan for the Rangeley Lakes Region. The Maine Land Use Planning Commission staff have posted alternative draft rule text that would be clearer and, if approved, would have the same outcome. Public comments are welcome on either or both versions of draft changes.

PUBLIC HEARING: June 16, 2021 - 6:00 p.m. ***Location:*** *Due to the current situation of the 2019 coronavirus (COVID-19), Public Law 2019 ch. 617, and the need to avoid public gatherings, maintain public distance, and for everyone’s safety this hearing will be conducted through virtual means (i.e., via audio & video conferencing, including a phone-in option). Anyone wishing to attend should join the Microsoft Teams live event accessible at* [*https://bit.ly/33Fpzxw*](https://bit.ly/33Fpzxw)*. Some devices or situations may require that a free app from Microsoft be downloaded or updated prior to joining the hearing.*

*In order to budget time to accommodate all public input, please pre-register no later than June 15, 2021. All who pre-register to speak will be given the opportunity to do so. The Commission will accommodate additional comments from anyone who didn't pre-register as time permits. The public is not required to submit written testimony before the hearing in order to testify, but submission of a written copy of verbal testimony is welcome.*

*Any pre-registrations to speak at the hearing and all public comments should be sent to the Maine Land Use Planning Commission, 22 State House Station, Augusta, Maine 04333-0022 or by email to* RulemakingHearing.LUPC@maine.gov*.*

COMMENT DEADLINE: Written comments must be submitted on or prior to Monday, July 19, 2021; written rebuttal comments must be submitted on or prior to Monday, August 2, 2021.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Tim Beaucage, LUPC, 22 State House Station, Augusta, Maine, 04333. Telephone: (207) 287-4894. Email: RulemakingHearing.LUPC@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Not applicable pursuant to 12 MRS §685-A(7-A)(B)

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §§ 8052(1), 8055; 22 MRS §§ 2421 *et seq.*; 28-B MRS §§ 101 *et seq.*; 12 MRS §§ 685-A(1), (8-A)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

LUPC RULEMAKING WEBSITE: [www.maine.gov/dacf/lupc/laws\_rules/proposed\_rules/rules.shtml](file:///%5C%5CBMV-server2012%5Cdata%5CSOS%5CWebsite%5Csos%5Ccec%5Crules%5Cnotices%5C00%20Past%20year%20notices%5C2021%5Cwww.maine.gov%5Cdacf%5Clupc%5Claws_rules%5Cproposed_rules%5Crules.shtml) .

LUPC WEBSITE: <https://www.maine.gov/dacf/lupc/index.shtml> .

LUPC RULEMAKING LIAISON: Judith.C.East@Maine.gov .

AGENCY: **01-672** - Department of Agriculture, Conservation & Forestry (DACF), **Maine Land Use Planning Commission (LUPC)**

CHAPTER NUMBERS AND TITLES:

**Ch. 3**, Delegation of Authority to Staff *(Repeal)*

**Ch. 4**, Rules of Practice *(Repeal and replace)*

**Ch. 5**, Rules for the Conduct of Public Hearings *(Repeal and replace)*

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2021-P092, P093, P094**

BRIEF SUMMARY: The Maine Land Use Planning Commission is proposing to repeal ch. 3 and to repeal and replace ch. 4 and 5. The changes proposed for each of these three rules collectively will improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. Some edits propose to simplify the rule by consolidating notice provisions, clarify existing practice, and include provisions previously located in ch. 10 of the Commission’s rules. All other revisions represent typical rule maintenance.

PUBLIC HEARING: N/A*; a hearing has not been scheduled*

COMMENT DEADLINE: Written comments must be submitted on or prior to July 12, 2021; written rebuttal comments must be submitted on or prior to July 26, 2021.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Tim Beaucage, LUPC, 22 State House Station, Augusta, Maine, 04333. Telephone: (207) 287-4894. Email: Timothy.Beaucage@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY: 12 MRS §§ 685-A(3), 685-A(7-A), 685-C(5)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

LUPC RULEMAKING WEBSITE: [www.maine.gov/dacf/lupc/laws\_rules/proposed\_rules/rules.shtml](file:///%5C%5CBMV-server2012%5Cdata%5CSOS%5CWebsite%5Csos%5Ccec%5Crules%5Cnotices%5C00%20Past%20year%20notices%5C2021%5Cwww.maine.gov%5Cdacf%5Clupc%5Claws_rules%5Cproposed_rules%5Crules.shtml) .

LUPC WEBSITE: <https://www.maine.gov/dacf/lupc/index.shtml> .

LUPC RULEMAKING LIAISON: Judith.C.East@Maine.gov .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Food Supplement Program, **Food Supplement** **Rule #FS220P** (ABAWD FFY 2022): **Section FS 999-2**, Geographic Exemptions from ABAWD Work Requirements:

PROPOSED RULE NUMBER: **2021-P095**

BRIEF SUMMARY: 7 CFR 273.24 provides that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement.

7 CFR 273.24(f) provides that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit for any group of individuals in the State if the Secretary makes a determination that the geographic area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

This rulemaking proposes to implement ABAWD geographic state-wide waiver 2190025 approved April 28, 2021 pursuant to 7 CFR §273.24(f)(2) and Section 6(o) of the *Food and Nutrition Act of 2008*. This waiver excludes all Maine residents from ABAWD requirements, for the period October 1, 2021 through September 30, 2022. Reference to past exemptions under expired authority would be removed.

The Department pursued and Food and Nutrition Services approved the waiver based on the Department of Labor Trigger Notice No. 2020-38, effective October 4, 2020, showing that, state-wide, Maine qualified for extended unemployment benefits.

This rule change will enhance nutritional stability and consistency for thousands of Maine households at a time of financial and health uncertainty.

See <http://www.maine.gov/dhhs/ofi/rules/index.shtml> for rules and related rulemaking documents.

PUBLIC HEARING: None.

COMMENT DEADLINE: June 25, 2021.

CONTACT PERSON FOR THIS FILING: Patricia Dushuttle, Special Projects Program Manager – SNAP, Department of Health and Human Services - Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-6907. Fax: (207) 287-3455. TT Users Call Maine Relay- 711. Email: Patricia.Dushuttle@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §42(1); 7 CFR §273.24(f)

OFI RULES WEBSITE: <http://www.maine.gov/dhhs/ofi/rules/index.shtml> .

OFI WEBSITE: <https://www.maine.gov/dhhs/ofi> .

OFI RULEMAKING LIAISON: Dan.Cohen@Maine.gov .

DHHS RULEMAKING LIAISON: Kevin.Wells@Maine.gov .

**ADOPTIONS**

AGENCY: **16-633** – Department of Public Safety (DPS), **Gambling Control Unit**

CHAPTER NUMBERS AND TITLES:

**Ch. 33**, Introduction *(New)*

**Ch. 34**, Definitions *(New)*

**Ch. 35**, License Application *(New)*

**Ch. 36**, License Fee and Renewal *(New)*

**Ch. 37**, Fantasy Contest Monitoring *(New)*

**Ch. 38**, Fantasy Contest Account Activity *(New)*

**Ch. 39**, Registration of Fantasy Contestants *(New)*

**Ch. 40**, Fantasy Contestant Funds and Required Reserves *(New)*

**Ch. 41**, Licensee Records, Annual Reporting and Audits *(New)*

**Ch. 42**, Collection of Payments *(New)*

**Ch. 43**, Complaints and Disciplinary Actions *(New)*

ADOPTED RULE NUMBER: **2021-097** *to* **107**

CONCISE SUMMARY: The rules established for fantasy contests shall include:

• Definitions of terms used throughout the rules;

• Licensing application requirements;

• Licensing fees and requirements for renewals;

• Monitoring and system standards;

• Communications and advertising requirements;

• Eligibility requirements for establishing accounts;

• Requirements for funds and required reserves;

• Annual reporting and audit requirements; and

• Process for complaints and disciplinary actions.

EFFECTIVE DATE: June 13, 2021

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Milton Champion, Executive Director, Gambling Control Board, 45 Commerce Drive - Suite 3, 87 State House Station, Augusta ME 04333-0087. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov .

AGENCY WEBSITE: <https://www.maine.gov/dps/gamb-control/index.html> .

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

CHAPTER NUMBER AND TITLE: **Ch. 13**, Watercraft Rules: **13.07**, Motor Size Restrictions on Certain Internal Waters (Notched Pond: Gray, Raymond (Cumberland County))

ADOPTED RULE NUMBER: **2021-108**

CONCISE SUMMARY: The Department of Inland Fisheries and Wildlife has amended ch. 13 watercraft regulations and adopted the following: Notched Pond, Gray, Raymond, Cumberland County - motorboats with more than 10 horsepower prohibited. The rule is based on the Commissioner's authority to regulate horsepower to ensure the safety of persons and property and is in response to a valid petition that was received and advertised. A complete copy of the rule is available from the agency contact person and will be displayed in updated publications of the Maine Boaters Guide.

EFFECTIVE DATE: May 26, 2021

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: Becky.Orff@Maine.gov .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.08(3)(B)**, Moose Hunting (Permit Allocations)

ADOPTED RULE NUMBER: **2021-109**

CONCISE SUMMARY:

WMD 1 - 450 antlered / 175 antlerless

WMD 2 - 350 antlered / 175 antlerless

WMD 3 - 200 antlered /125 antlerless

WMD 4 - 400 antlered / 100 antlerless

WMD 5 - 250 antlered / 125 antlerless

WMD 6 - 200 antlered / 60 antlerless

WMD 7 - 125 antlered

WMD 8 - 200 antlered / 50 antlerless

WMD 9 - 125 antlered

WMD 10 - 60 antlered

WMD 11 - 50 antlered

WMD 12 - 25 antlered

WMD 13 - 15 antlered

WMD 14 - 30 antlered

WMD 15 - 25 any-moose

WMD 16 – 15 any-moose

WMD 17 - 10 antlered

WMD 18 - 40 antlered

WMD 19 - 60 antlered

WMD 27 & 28 (combined) - 40 antlered

TOTAL: 2,630 antlered / 810 antlerless / 40 any-moose

EFFECTIVE DATE: May 26, 2021

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: Becky.Orff@Maine.gov .

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

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.08(9)**, Moose Hunting (Adaptive Moose Hunt)

ADOPTED RULE NUMBER: **2021-110**

CONCISE SUMMARY: In an effort to determine if moose density reduction can break or lessen winter tick impacts to moose in Maine, the Department is currently conducting a multi-phase adaptive management study. As part of that study in accordance with 12 MRS §11551, the Commissioner of Inland Fisheries and Wildlife is allowing increased hunting opportunity for moose in the western half of Wildlife Management District (WMD) 4 beginning the fall of 2021 to reduce moose population densities with additional hunt weeks. In the eastern half of WMD 4 as well as all other districts open to moose hunting, moose permits have been allocated in accordance with the Big Game Management Plan. Hunters applying for and receiving permits for the Adaptive Management Hunt Location must attend a training session conducted by the Department prior to being issued their moose hunting permit. Biologists will collect information from all moose harvested as part of the Adaptive Hunt, including canine teeth (for aging), winter tick counts, corpora lutea, and carcass weights. In addition, biologists will continue aerial surveys and monitoring calves with GPS collars in order to assess progress. A complete copy of the adopted rule may be requested from the agency contact person.

EFFECTIVE DATE: May 26, 2021

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: Becky.Orff@Maine.gov .

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