**State of Maine: Notice of Agency Rulemaking – August 25, 2021**

**PROPOSALS**

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

CHAPTER NUMBER AND TITLE: **Ch. 5**, Internal Controls: **Appendix A**, Internal Controls

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P114** *(2nd publication)*

BRIEF SUMMARY: The rule package changes the table game count from daily to once a week, separating days by daily drops.

PUBLIC HEARING: None

COMMENT DEADLINE: September 24, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Milton Champion, Gambling Control Unit, 45 Commerce Drive - Suite 3, Augusta ME 04333-0087. Telephone: (207) 626-3901. Email: [Milton.F.Champion@Maine.gov](mailto:Milton.F.Champion@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 8 MRS §1003

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

DPS RULEMAKING LIAISON: [Christopher.Parr@Maine.gov](mailto:Christopher.Parr@Maine.gov) .

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 169**, Stationary Generators

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P141**

BRIEF SUMMARY: The purpose of this regulation is to ensure that the operation of new stationary generators does not negatively impact air quality or public health in the vicinity of a facility operating such a generator. The standards and requirements proposed are based on standards and requirements in Federal and State regulations applicable to similar equipment when used in other applications.

PUBLIC HEARING: 9:00 a.m., September 16, 2021, Augusta Civic Center, 76 Community Drive, Augusta

COMMENT DEADLINE: September 27, 2021, 5:00 p.m.

CONTACT PERSON FOR THIS FILING: Lynn Muzzey, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2229. Email: [Lynn.Muzzey@Maine.gov](mailto:Lynn.Muzzey@Maine.gov)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §§ 585, 585-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov) .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Scallops (2021-2022 Season)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P142**

BRIEF SUMMARY: This proposed rule-making establishes the 2021-2022 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers would begin on December 6, 2021 and the last day of the season would be March 17, 2022. For Zone 1, a 60-day season for divers would start on November 16, 2021 and the last day of the season would be April 29, 2022. For Zone 2, a 70-day season for draggers would start on December 1, 2021 and the last day of the season would be March 31, 2022. For Zone 2, a 70-day season for divers would start on November 19, 2021 and the last day of the season would be March 26, 2022. For Zone 3, a 50-day season for draggers would begin on December 1, 2021 and the last day of the season would be March 28, 2022. For Zone 3, a 50-day season for divers would begin on December 2, 2021 and the last day of the season would be March 26, 2022.

New limited access areas are proposed for the 2021-2022 season: Western Casco Bay and Sheepscot River in Zone 1; and, Gouldsboro/Dyers Bay and West Moosabec Reach in Zone 2. Targeted seed closures would be re-established in Eastern Casco Bay and Damariscotta River in Zone 1. In Zone 3, St. Croix River is proposed as a new targeted seed closure. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock would be open to harvest all days beginning December 1, 2021 through March 31, 2022.

Limited entry system has been updated to allow entry to either the scallop dragging license lottery or the scallop hand harvest lottery but individuals may not enter both lotteries.

DMR would maintain the following Limited Access Areas: Western Penobscot Bay, Muscle Ridge, Whiting and Denny’s Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops would be maintained: Lower Muscle Ridge, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

PUBLIC HEARINGS: Public hearings are scheduled for 6:00 p.m. at the dates and locations listed below; please carefully review the masking requirements for each venue:

**\*** **September 13**: University of Maine at Machias, 116 O’Brien Avenue, Performing Arts Center. *Masks are required regardless of vaccination status*;

**\*** **September 14**: DMR’s Augusta Office (Marquardt Building), 32 Blossom Lane, Room 118. *Masks are required for those who are not fully vaccinated*;

**\*** **September 16**: Jeff’s Catering, 15 Littlefield Road, Brewer. *Masks are required for those who are not fully vaccinated.*

*Hearing facilities*: If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.

COMMENT DEADLINE: September 26, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 6171, 6722

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 30**, River Herring: **30.03**, Taking of River Herring from Walker’s Brook

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P143**

BRIEF SUMMARY: In March 2021, DMR established a limited fishery in Walker’s Brook, which runs between the Towns of Brooksville and Sedgwick. However, the March 2021 rule only listed the portion of the brook that runs through the Town of Brooksville. This proposed rule is a technical change that adds the Town of Sedgewick to the existing regulatory language. This change is intended to provide greater clarity to the public and Marine Patrol. It does not change any elements of the existing limited fishery, which was initially adopted in March 2021.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: September 24, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/> .

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

**ADOPTIONS**

AGENCY: **16-642** - Department of Public Safety (DPS), Fire Marshal Office (FMO), **Bureau of Building Codes and Standards (BCS)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Maine Uniform Building and Energy Code - Administrative Procedures

ADOPTED RULE NUMBER: **2021-168**

CONCISE SUMMARY: Chapter 1 is an administrative chapter that clarifies who needs to enforce the MUBEC, what codes make up the MUBEC. It also establishes the amendment procedure to the code. The rule contains several critical definitions as required by statute to clarify the MUBEC. As directed by the legislature this rule makes previously optional standards part of the code and adds one new code. Currently the rule allows for municipalities to adopt and enforce either the building or energy codes or both, this is not what statute allows and this rule needs to be in effect so that code officials are able to enforce minimum health and safety regulations.

EFFECTIVE DATE: August 26, 2021

FMO-BCS CONTACT PERSON / RULEMAKING LIAISON: Richard Taylor, Sr. Planning and Research Analyst, Office of State Fire Marshal, 52 State House Station, Augusta, Maine 04333-0052. Telephone: (207) 626-3873. Email: [Richard.E.Taylor@Maine.gov](mailto:Richard.E.Taylor@Maine.gov) .

BCS WEBSITE: <https://www.maine.gov/dps/fmo/building-codes> .

AGENCY: **16-642** - Department of Public Safety (DPS), Fire Marshal Office (FMO), **Bureau of Building Codes and Standards (BCS)**

CHAPTER NUMBER AND TITLE: **Ch. 6**, Maine Uniform Building and Energy Code – Energy Code

ADOPTED RULE NUMBER: **2021-169**

CONCISE SUMMARY: This rule adopts the 2015 edition of the IECC (*International Energy Conservation Code*) as required by Statute. Title 10 §9722(6)b. requires that the Technical Codes and Standards Board adopt the most recent edition or edition prior to the most recent edition of codes as listed. As in any code adoption some requirements are increased to provide for more efficient buildings. The new codes also address ventilation to provide a healthier living environment while providing increased energy efficiency. Some of the main areas of increased requirements are as follows. There is an increase in the insulation required on exterior walls, there are several ways to achieve this requirement that are code compliant, there is a new requirement requiring a blower door test to determine the air infiltration of a structure, along with this the requirement for Air exchanges is reduced from 7 ACH to 3 ACH. There is also a requirement to install an outdoor sensor on hot water boilers to adjust water temperature depending on exterior temperature. And there are increased levels of duct insulation and pipe insulation. Depending on the size of the structure and the design approach to gain compliance the estimate for a simple 1600 sf. structure could range from $2500-$5,000. This rule also adopts the Stretch energy cade as required by July 1 by the legislature.

EFFECTIVE DATE: August 26, 2021

FMO-BCS CONTACT PERSON / RULEMAKING LIAISON: Richard Taylor, Sr. Planning and Research Analyst, Office of State Fire Marshal, 52 State House Station, Augusta, Maine 04333-0052. Telephone: (207) 626-3873. Email: [Richard.E.Taylor@Maine.gov](mailto:Richard.E.Taylor@Maine.gov) .

BCS WEBSITE: <https://www.maine.gov/dps/fmo/building-codes> .

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

CHAPTER NUMBER AND TITLE: **Ch. 1**, Fee Schedule

ADOPTED RULE NUMBER: **2021-170** *(Final adoption, major substantive)*

CONCISE SUMMARY The Land Use Planning Commission has finally adopted this repealed and replaced fee schedule in an ongoing practice to ensure that each of the agency's rules are appropriate, fair, and current. Specifically, the replacement rule is viewed as refinements to ensure an equitable assessment of fees, with due consideration of project complexity and impacts, ensuring that fees are commensurate with the proposed development or services.

EFFECTIVE DATE: November 1, 2021

LUPC CONTACT PERSON / RULEMAKING LIAISON: Judy East, Executive Director, Land Use Planning Commission, 22 State House Station, Augusta, ME 04333. Telephone: (207) 287-2631. Email: [Judith.C.East@Maine.gov](mailto:Judith.C.East@Maine.gov) .

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