State of Maine

NOTICE OF STATE AGENCY RULEMAKING

PUBLIC INPUT FOR RULES A list of state agency rule proposals is published here each Wednesday. You can get a copy of a proposed rule by contacting the person listed in the notice. You can comment on a proposed rule by submitting a written comment to the agency or by attending the public hearing, if one is scheduled. If no hearing is scheduled, you can request one.  The agency must hold a hearing if it receives 5 or more requests.  If you have a disability and need assistance to participate in a hearing, you should tell the agency at least 7 days before the hearing. ONLINE INFORMATION Weekly notices, full text of adopted rules, and a list of agency rulemaking contacts are available at this website:

<https://www.maine.gov/sos/cec/rules/index.html>

PROPOSALS

AGENCY: Department of Education

**CHAPTER NUMBER AND TITLE: 05-017 C.M.R. Ch. 33, Rule Governing Physical Restraint and Seclusion**

**TYPE OF RULE: Major Substantive**

**PROPOSAL FILING NUMBER: 2025-P140**

**BRIEF SUMMARY:** This revision proposes an update to the definition of physical escort and serious physical injury as determined by the 132d legislature and pursuant to P.L. 2025 Chapter 266.

**PUBLIC HEARING** *(if any)*: October 15, 2025, 5:00-7:00 pm, Burton Cross Office Building, Room 103; Augusta Maine 04330; Zoom link available

**COMMENT DEADLINE:** October 24, 2025

**CONTACT PERSON FOR THIS FILING:** Laura Cyr, State House Station #23, Augusta, ME 04333;

207-446-8791; [Laura.cyr@maine.gov](mailto:Laura.cyr@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*:

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*:

**STATUTORY AUTHORITY FOR THIS RULE:** 20-A M.R.S.A. §4502(5)(M)

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

**AGENCY WEBSITE:** <https://www.maine.gov/doe/about/laws/rulechanges>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [laura.cyr@maine.gov](mailto:laura.cyr@maine.gov)

AGENCY: Department of Education

**CHAPTER NUMBER AND TITLE: 05-071 C.M.R. Ch. 115, The Credentialling of Education Personnel**

**TYPE OF RULE: Major Substantive**

**PROPOSAL FILING NUMBER: 2025-P141**

**BRIEF SUMMARY:** This revision proposes updates to Ch 115 after an extensive review process involving educators, parents, students, and other interested parties. Proposed revisions include definitions, processes, and requirements.

**PUBLIC HEARING** *(if any)*: October 15, 2025, Burton Cross Office Building Augusta Maine, Room 103; Time: 3-5 pm; zoom link available

**COMMENT DEADLINE:** October 24, 2025

**CONTACT PERSON FOR THIS FILING:** Laura Cyr; State House Station #23, Augusta, ME 04333;

207-446-8791; [Laura.cyr@maine.gov](mailto:Laura.cyr@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*:

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

**STATUTORY AUTHORITY FOR THIS RULE:** Title 20-A §13011(1)

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

**AGENCY WEBSITE:** <https://www.maine.gov/doe/about/laws/rulechanges>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [laura.cyr@maine.gov](mailto:laura.cyr@maine.gov)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Licensure for Professional Land Surveyors

**CHAPTER NUMBERS AND TITLES:**

**02-360 C.M.R. Ch. 50, Qualifications For Licensure as a Professional Land Surveyor [Repeal and Replace]**

**02-360 C.M.R. Ch. 60, Licensure by Comity [Repeal]**

**02-360 C.M.R. Ch. 80, Licensure by Endorsement [New]**

**02-360 C.M.R. Ch. 90, Standards of Practice [Repeal and Replace]**

**TYPES OF RULES: Routine Technical**

**PROPOSAL FILING NUMBERS: 2025-P142 (Ch. 50), 2025-P143 (Ch. 60), 2025-P144 (Ch. 80), 2025-P145 (Ch. 90)**

**BRIEF SUMMARY:**

This rulemaking proposes to amend the board’s rules to clarify the examination process and expand pathways to licensure by (1) removing the requirement that an applicant for a professional land surveyor must gain experience as a Maine licensed land surveyor-in-training and (2) implementing a pathway for licensure by endorsement. Copies of the rulemaking packet may be found on the Board’s website,

<https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-professional-land-surveyors>, scroll down to What’s New and Rulemaking Changes.

**PUBLIC HEARING** *(if any)*: N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to the contact person for this filing.

**COMMENT DEADLINE:** October 24, 2025 by 5:00 p.m. EST. Comments may be submitted to Catherine Pendergast by mail to 35 State House Station, Augusta, ME, 04333-0035, or by e-mail to [Catherine.Pendergast@maine.gov](mailto:Catherine.Pendergast@maine.gov).

**CONTACT PERSON FOR THIS FILING**: Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035, 207-624-8518, TTY: Maine relay 711, [Catherine.Pendergast@maine.gov](mailto:Catherine.Pendergast@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*:

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*:

**STATUTORY AUTHORITY FOR THIS RULE:** 32 M.R.S. §18212 and 10 M.R.S. § 8003-H

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

**AGENCY WEBSITE:** <https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-professional-land-surveyors>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [penny.vaillancourt@maine.gov](mailto:penny.vaillancourt@maine.gov)

AGENCY: Department of Environmental Protection

**CHAPTER NUMBER AND TITLE: 06-096 C.M.R. Ch. 428, Stewardship Program for Packaging**

**TYPE OF RULE: Routine Technical**

**PROPOSAL FILING NUMBER: 2025-P146**

**BRIEF SUMMARY:** The Department is proposing to:

* Add Appendix A, The Packaging Material Types List to 06-096 C.M.R. Chapter 428: *Stewardship Program for Packaging*. The *Packaging Material Types List* defines packaging material and designates packaging material types readily recyclable, as applicable. Additionally, the list may further designate a packaging material type as compostable or reusable.
* Amend Ch. 428to align it to the changes made to 38 M.R.S. § 2146 in the 132nd Maine Legislature, First Special Session by:
  + Updating the definition of “consumer” and “producer;”
  + Removing the language requiring participating municipalities to collect and recycle *all* packaging material designated readily recyclable; and
  + Removing the requirement for producers to report on UPCs of products sold by packaging material type during annual producer reporting.

Additionally, the Department proposes the following changes to Ch. 428:

* Removal of the ‘alternative management’ definition.
* Change the regulatory reference from Chapter 850, Identification of Hazardous Wastes to Chapter 800, Identification of Hazardous Matter.
* Removal of ‘designed for direct food contact and is’ from the compostable packaging material definition.

**PUBLIC HEARING:** October 16, 2025 at 9 AM EST at Augusta Civic Center, 76 Community Drive, Augusta, Maine

**COMMENT DEADLINE:** October 27, 2025 at 11:59 PM EST

**CONTACT PERSON FOR THIS FILING:**

Brian Beneski

17 State House Station

Augusta, ME 04333

(207) 592-0248

[MainePackagingEPR@maine.gov](mailto:MainePackagingEPR@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:**

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:**No significant fiscal impact on municipalities or counties is anticipated.

**STATUTORY AUTHORITY FOR THIS RULE:** 38 M.R.S. §2146 *Stewardship Program for Packaging*

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:**

**AGENCY WEBSITE:** [www.maine.gov/dep/rules](http://www.maine.gov/dep/rules)

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Tom.Graham@maine.gov](mailto:Tom.Graham@maine.gov)

ADOPTIONS

AGENCY: Maine Public Employees Retirement System

**CHAPTER NUMBER AND TITLE: 94-411 C.M.R. Ch. 510, Reduction of Disability Payments Because of Lump-Sum Settlements of Benefits Payments Under the Workers’ Compensation or Similar Laws**

**ADOPTION FILING NUMBER: 2025-176**

**CONCISE SUMMARY:**

The proposed amended rule eliminates reference to the offset of disability retirement benefits for Social Security benefits received by a member for the same condition. Amendments to Ch. 803 Participating Local District Consolidated Retirement Plan repeals this offset.

**EFFECTIVE DATE**: **Monday, September 22, 2025**

**AGENCY CONTACT PERSON:** Bill Brown, Director of Actuarial and Legislative Affairs

AGENCY NAME: Maine Public Employees Retirement System

ADDRESS: 139 Capitol Street, Augusta, ME 04332

TELEPHONE: 1-800-451-9800 or (207) 512-3100

AGENCY: Department of Agriculture, Conservation and Forestry, Maine Milk Commission

**CHAPTER NUMBER AND TITLE: 01-001 C.M.R. Ch. 61, Maine Milk Pool Cost of Administration**

**ADOPTION FILING NUMBER: 2025-179**

**CONCISE SUMMARY:**

Chapter 61 – Maine Milk Pool Cost of Administration is amended to reflect the estimated administrative costs of operating the pool for the remainder of calendar year 2025. The rate for 2025 will be $0.01/cwt.

**EFFECTIVE DATE: Sunday, September 21, 2025**

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

AGENCY NAME: Maine Milk Commission

ADDRESS: 28 State House Station, Augusta ME 04333

TELEPHONE: (207) 287-7521

AGENCY: Department of Inland Fisheries and Wildlife

**CHAPTER NUMBER AND TITLE: 09-137 C.M.R. Ch. 22, Rules Pertaining to Department Publication**

**ADOPTION FILING NUMBER: 2025-180**

**CONCISE SUMMARY:**

The Commissioner of Inland Fisheries and Wildlife has repealed Chapter 22 rules. The Chapter is now obsolete as the Department’s magazine has been out of publication since Spring of 2008. Please contact the agency contact person for any questions.

**EFFECTIVE DATE: Sunday, September 21, 2025**

**AGENCY CONTACT PERSON:** Becky Orff

AGENCY NAME: Inland Fisheries and Wildlife

ADDRESS: 353 Water Street, 41 SHS, Augusta, ME 04333

TELEPHONE: 207-287-5202

AGENCY: Department of Inland Fisheries and Wildlife

**CHAPTER NUMBER AND TITLE: 09-137 C.M.R. Ch. 1, Open Water and Ice Fishing Regulations (Musquash Lake, West)**

**ADOPTION FILING NUMBER: 2025-181**

**CONCISE SUMMARY:**

As a result of the discovery of the presence of largemouth bass, an illegally introduced, warmwater species in West Musquash Lake located in T6 R1 NBPP, the Commissioner of Inland Fisheries and Wildlife has adopted the following change to South Zone fishing regulations:

MUSQUASH LAKE, WEST, T6 R1 NBPP (South Zone). General fishing laws apply, except: S-13, S-17. No bag limit on togue under 23 inches and no minimum length limit. Daily bag limit on togue greater than 33 inches: 1 fish. All togue between 23 and 33 inches must be released alive at once. From October 1 - December 31: Closed to all fishing.

As this lake is in the South Zone where bass are managed and protected, this regulation removes the general law protections for bass in West Musquash Lake. A complete copy of the rule may be requested from the agency contact person.

**EFFECTIVE DATE: Sunday, September 21, 2025**

**AGENCY CONTACT PERSON:** Becky Orff

AGENCY NAME: Inland Fisheries and Wildlife

ADDRESS: 353 Water Street, 41 SHS, Augusta, ME 04333

TELEPHONE: 207-287-5202

AGENCY: Department of Agriculture, Conservation and Forestry, Maine Milk Commission

**CHAPTER NUMBER AND TITLE: 01-015 C.M.R. Ch. 3, Schedule of Minimum Prices (Order #10-25)**

**ADOPTION FILING NUMBER: 2025-182 (Emergency Rule)**

**CONCISE SUMMARY:**

The Minimum October 2025 Class I price is $**23.14**/cwt. plus $**1.63**/cwt. for Producer Margins, an over-order premium of $**1.04**/cwt as prevailing in Southern New England, and a $**0.47**/cwt. handling fee, for a total of **$26.48/cwt**., which includes a $0**.20**/cwt Federal promotion fee.

**EFFECTIVE DATE**: **Sunday, September 28, 2025**

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

AGENCY NAME: Maine Milk Commission, DACF

ADDRESS: 28 SHS, Augusta, ME 04333

TELEPHONE: 207-287-7521

AGENCY: Department of Health and Human Services, Office for Family Independence

**CHAPTER NUMBER AND TITLE: 10-144 C.M.R. Ch. 301, Supplemental Nutrition Assistance Program (SNAP) Rules (Sections 555-4 and 555-5; SNAP Rule #242E – LiHEAP Update)**

**ADOPTION FILING NUMBER: 2025-183 (Emergency Rule)**

**CONCISE SUMMARY:**

The Department adopts this emergency rule to amend 10-144 C.M.R. Ch. 301; Supplemental Nutrition Assistance Program (SNAP) Rules to ensure compliance with Pub. L 119-21, An Act To provide for the reconciliation pursuant to title II of H. Con. Res. 14, signed into law on July 4, 2025. This rule modifies the treatment of LiHEAP and similar payments. Historically, any household receiving $20 or more in LiHEAP or a similar support was eligible for the Full Standard Utility Allowance. Going forward, that will be limited to households in which at least one member is elderly or has a disabling condition and they receive more than $20 in LiHEAP or a similar support. Historically, LiHEAP and similar payments were excluded income for all households. Going forward any recurring energy assistance will be countable income for households with no members who are elderly or have a disabling condition.

**FINDINGS OF EMERGENCY:** Pursuant to 5 M.R.S. § 8054, the Department finds that emergency rulemaking is necessary to comply with H.R. 1 – the Budget Reconciliation Act, effective July 4, 2025, and ensure the health and general welfare of Maine citizens and the viability of the SNAP program. Noncompliance with federal requirements risks loss of SNAP funding resulting in a reduction or termination of the state’s ability to provide nutrition supports to Maine’s citizens in need.

**See** [**https://www.maine.gov/dhhs/about/rulemaking**](https://www.maine.gov/dhhs/about/rulemaking) **for rules and related rulemaking documents.**

**EFFECTIVE DATE**: **Thursday, September 18, 2025**

**AGENCY CONTACT PERSON:**

Michael Downs, Senior Program Manager — SNAP

Office for Family Independence

Department of Health and Human Services

109 Capitol Street

Augusta, ME 04333

Phone: (207) 592-4850/Fax: (207) 287-3455

TT Users Call Maine Relay – 711

[Michael.E.Downs@Maine.gov](mailto:Michael.E.Downs@Maine.gov)

AGENCY: Department of Marine Resources

**CHAPTER NUMBER AND TITLE: 13-188 C.M.R.** **Ch. 41, Menhaden (2025 Modified State Menhaden Fishery Reopens)**

**ADOPTION FILING NUMBER: 2025-184 (Emergency Rule)**

**CONCISE SUMMARY:**

Maine’s participation in the Episodic Event Set Aside (EESA) fishery ends on Sunday, September 21, 2025 at 11:59 p.m. The Department has received additional quota through transfers that allow for a second directed fishery opportunity. Harvest days are reduced for this state directed fishery to Mondays and Thursdays only with a 7,000 pound daily limit to ensure effective monitoring of the State’s remaining quota.

The Commissioner has determined that it is necessary to take emergency action to reduce the fishing days and daily landing limit to prevent unusual damage to the menhaden resource by exceeding available quota. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3)(A).

**EFFECTIVE DATE: Saturday, September 20, 2025**

**AGENCY CONTACT PERSON:** Melissa Smith

AGENCY NAME: Department of Marine Resources

ADDRESS: 21 State House Station

Augusta, Maine 04333-0021

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

E-MAIL: Melissa.Smith@maine.gov

TELEPHONE: (207) 624-6558

FAX: (207) 624-6024

TTY: (207) 633-9500 (Deaf/Hard of Hearing)