**State of Maine: Notice of Agency Rulemaking – September 28, 2022**

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

CHAPTER NUMBER AND TITLE: **Ch. 2**, Definitions; **Ch. 10**, Land Use Districts and Standards (re: solar energy generation facilities)

TYPE OF RULE:Routine Technical

PROPOSED RULE NUMBER: **2022-P177, P178**

BRIEF SUMMARY: The Land Use Planning Commission is proposing these amendments to improve efficiency and clarity in siting, evaluating, and permitting solar energy generation facilities, in response to increased solar development across the Commission’s service area. The primary objectives of this rulemaking are to define size classes for solar energy generation facilities, and to specify which Land Use Subdistricts will allow solar energy generation facilities. Revisions also clarify existing definitions and standards related to solar energy facilities that qualify as accessory structures.

PUBLIC HEARING: Not applicable; a public hearing has not been scheduled*.*

COMMENT DEADLINE: Written comments must be submitted on or prior to October 31, 2022; written rebuttal comments must be submitted on or prior to November 7, 2022.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Tim Beaucage, LUPC, 22 State House Station, Augusta, ME 04333-0022. Telephone: (207) 931-6974. Email: Timothy.Beaucage@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Revisions to Ch. 2, *Definitions*, will not have a fiscal impact. Pursuant to 12 MRS §685-A(7-A)(B), this provision does not apply to Ch. 10, *Land Use Districts and Standards*.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 685-A(3); 685-A(7-A); 685-C(5)

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

LUPC WEBSITE: <https://www.maine.gov/dacf/lupc/laws_rules/proposed_rules/rules.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 NUMBER AND TITLE: **Ch. 10**,**Land Use Districts and Standards** (re: 2020-2022 Moosehead Regional Planning Process)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P179**

BRIEF SUMMARY: The Maine Land Use Planning Commission is seeking public comment on proposed amendments to Ch. 10, *Land Use Districts and Standards,* to implement actions stemming from the 2020-2022 Moosehead Regional Planning Process. The proposed amendments allow for the modification of Location of Development criteria resulting from regional planning processes addressing the location of development through a balanced and comprehensive process. Specifically, the proposed changes would refine the Commission’s application of the Location of Development criteria in the Moosehead region by providing for the removal of ten minor civil divisions from primary and secondary locations, and for the removal of primary locations around certain Management Class 3 lakes in the region. The proposed amendments also reorganize and clarify the section to better distinguish the primary and secondary locations designated based on application of the adjacency principle versus changes made as the result of a balanced and comprehensive regional planning process.

PUBLIC HEARING: *None*

COMMENT DEADLINE: Written comments must be submitted on or prior to October 31, 2022; written rebuttal comments must be submitted on or prior to Monday, November 7, 2022.

CONTACT PERSON FOR THIS FILING: Stacy Benjamin, Maine Land Use Planning Commission, 22 State House Station, Augusta, Maine 04333-0022*.* Telephone: (207) 441-3761. Email: Stacy.Benjamin@Maine.gov.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: not applicable

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

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

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: not applicable

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), **Maine Center for Disease Control and Prevention (MaineCDC)**

CHAPTER NUMBER AND TITLE: **Ch. 252**, Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P180**

BRIEF SUMMARY: The proposed rule will ensure changes implemented by emergency rule will be enforceable beyond the 90-day emergency period, providing continuity and consistency of services related to injection drug use. (5 MRS §8054.) These changes allow certified Syringe Services Programs (SSP) to, in accordance with SSP distribution policies, distribute syringes to SSP Consumers within a needs-based approach, rather than the strict 1:1 ratio syringe exchange requirement, while remaining under 100 syringes per Consumer per Exchange Event. Additional changes beyond the emergency changes proposed include further clarifying certification length, updating definitions, and technical formatting revisions to align with agency standards.

PUBLIC HEARING: 30-day comment period in lieu of public hearing

COMMENT DEADLINE: October 28, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Bridget Bagley, Policy Analyst, 11 State House Station - 286 Water Street, Augusta ME 04333-0011. Telephone: (207) 287-9394. Email: Bridget.Bagley@Maine.gov.

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

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §1341

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

MAINE CDC RULES WEBSITE: <https://www.maine.gov/dhhs/mecdc/rules/maine-cdc-rules.shtml>.

MAINE CDC WEBSITE: <https://www.maine.gov/dhhs/mecdc/>.

MAINE CDC RULEMAKING LIAISON: Tera.Pare@Maine.gov.

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

AGENCY: **02-331** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Maine State Board of Funeral Service**

CHAPTER NUMBER AND TITLE: **Ch. 11**: Annual Renewal; Continuing Education; Inactive Status

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P181**

BRIEF SUMMARY: The proposed rule was developed as a result of the change in statute regarding continuing education requirements. The rule clarifies that at the time of an odd-year renewal, practitioners of funeral service shall certify compliance with the continuing education requirement set forth in 32 MRS §1506 and Ch. 11 of Board rules. The proposed rulemaking would make changes to the current rule regarding what is considered approved continuing education programs, by enlarging the scope of potential programs that would satisfy the continuing education requirement and removing the requirement that sponsors and/or activities be pre-approved by the Board. The proposed rule would also clarify that if a licensee with inactive status seeks reinstatement to active status, the six (6) contact hours of continuing education that are required may be completed either though in-person or through online or distance learning programs.

Copies of the proposed rule and rulemaking documents may be found on the Board’s webpage: <https://www.maine.gov/pfr/professionallicensing/professions/board-funeral-services>. Scroll down to “What’s New” and “Rulemaking.”

PUBLIC HEARING: N/A. *Pursuant to 5 MRS §8052(1) and §8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this  filing. Comments on the proposed rules may be submitted by emailing* *Candice.B.Wright@Maine.gov* *or by mailing comments to the Maine Board of Funeral Service, Attn: Candice Wright, 35 State House Station, Augusta, ME 04333-0035*.

COMMENT DEADLINE: Friday, October 28, 2022, 5:00 p.m. Comments may be submitted to Candice Wright, Consumer Assistance and Hearing Coordinator, 35 State House Station, Augusta, ME 04333-0035, Candice.B.Wright@Maine.gov.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Candice Wright, Consumer Assistance and Hearing Coordinator, 35 State House Station, Augusta, ME 04333-0035. Email: Candice.B.Wright@Maine.gov. Telephone: (207) 624-8601. TTY: Maine relay 711.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 MRS §§ 1451, 1501, 1506

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/board-funeral-services>.

OPOR RULEMAKING LIAISON: Kristin.Racine@Maine.gov.

AGENCY: **99-346 - Maine State Housing Authority (MaineHousing)**

CHAPTER NUMBER AND TITLE: **Ch. 19**, Homeless Solutions Rule

PROPOSED RULE NUMBER: **2022-P182**

BRIEF SUMMARY: The proposed rule repeals and replaces the current *Homeless Solutions Rule* in order to (i) revise and update language where appropriate; (ii) add language regarding the new regionalized homeless response system; (iii) address concerns regarding bed utilization; and (iv) make changes to the funding formula allocation. A copy of the proposed replacement rule may be found at [www.mainehousing.org/about/rules](http://www.mainehousing.org/about/rules).

PUBLIC HEARING: A public hearing will be held on Tuesday, October 18, 2022 at 9:30 a.m. at Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330. *Maine State Housing Authority’s office and the hearing room are accessible to persons with disabilities and, upon sufficient notice, appropriate communications auxiliary aids and services will be provided to persons with disabilities and persons with limited English proficiency.*

COMMENT DEADLINE: Friday, October 28, 2022 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Ashley Janotta, Chief Counsel, Maine State Housing Authority, 89 State House Station - 26 Edison Drive, Augusta, Maine 04330. Telephone: (207) 626-4600, (800) 452-4668 (voice in state only) or Maine Relay 711. Email: ajanotta@mainehousing.org.

Upon sufficient notice, this notice and the proposed rule will be made available in alternative formats for persons with disabilities and in alternative languages for persons with limited English proficiency.

IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 30-A MRS §§ 4741(1), (18); 42 USCA §§ 11301 *et seq.*

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same as above

MAINEHOUSING RULEMAKING LIAISON: ajanotta@mainehousing.org.

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

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P183**

BRIEF SUMMARY: The rule package updates the rules governing casino operations.

PUBLIC HEARING: N/A

COMMENT DEADLINE: October 28, 2022

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE:8 MRS §1003(1)(B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 32**, Rules Relating to Games of Chance

ADOPTED RULE NUMBER: **2022-189**

CONCISE SUMMARY These rules are to update areas of concern from prior changes that include immediate family member definition, authority to close sealed ticket games, posting of top awards, the reporting of winners of five dollars or more, raffle requirements with use of a payment management system and the repeal of registrants from sub 6 reports and records required.

EFFECTIVE DATE: September 26, 2022

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Milton Champion, Gambling Control Board, 45 Commerce Blvd., Augusta Maine 04333. Telephone: (207) 626-3901. Email: Milton.F.Champion@Maine.gov.

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

AGENCY: **29-250** - Department of the Secretary of State (SOS), **Bureau of Motor Vehicles (BMV)**

CHAPTER NUMBER AND TITLE: **Ch. 172** *(New)*, Rules Governing the Issuance of Vanity Registration Plates

ADOPTED RULE NUMBER: **2022-190**

CONCISE SUMMARY: This rule implements 29-A MRS sub-§3-A, which authorizes the Secretary of State to refuse to issue or recall vanity registration plates that meet certain criteria, and 3-B, which authorizes the right to appeal the Secretary of State’s decision. This rule is created by the authority expressly stated in 29-A MRS §453 sub-§3-C.

EFFECTIVE DATE: October 1, 2022

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / BMV RULEMAKING LIAISON: Tina.B.Corkum@Maine.gov.

AGENCY WEBSITE: <https://www.maine.gov/sos/bmv/>.

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #10-22**

ADOPTED RULE NUMBER: **2022-191** *(Emergency)*

CONCISE SUMMARY: Minimum October 2022 Class I price is $25.96/cwt. plus $1.58/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 $29.25/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: October 2, 2022

AGENCY CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission – DACF, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

MMC WEBSITE: <https://www.maine.gov/dacf/milkcommission/index.shtml>.

AGENCY: **94-457 - Finance Authority of Maine (FAME)**

CHAPTER NUMBER AND TITLE: **Ch. 601**, the Maine State Grant Program (MSGP), *Amendment 12*

ADOPTED RULE NUMBER: **2022-192**

CONCISE SUMMARY: The rule amendments implement recent legislative changes to the program’s governing statute. These changes include: defining adult learner and extending from ten to twelve semesters the length of time during which adult learners may available themselves of the Maine State Grant. Other technical changes related to punctuation and spacing were made, as well.

EFFECTIVE DATE: September 25, 2022

FAME CONTACT PERSON: William Norbert, Esq., Finance Authority of Maine, P.O. Box 949, 5 Community Drive, Augusta, ME 04332-0949. Telephone: (207) 623-3263 ext. 3540. Email: WNorbert@FameMaine.com.

FAME WEBSITE: <https://www.famemaine.com/>.