**State of Maine: Notice of Agency Rulemaking: Wednesday, October 9, 2024 – ONLINE**

**NOTICE OF STATE 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](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.maine.gov%2Fsos%2Fcec%2Frules%2Findex.html&data=05%7C02%7CJ.Chris.Parr%40maine.gov%7C645b27059f0346864d7008dc94834bf0%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638548538834447354%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=K93i9Iukz%2F4M1hnG1XnmVSNiEpRD2zB99vb6RheIZ8A%3D&reserved=0)

**PROPOSALS**

**There are no rulemaking proposal notices this week.**

**ADOPTIONS**

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

**CHAPTER NUMBER AND TITLE: Chapter 28 Advanced Deposit Wagering**

**ADOPTED RULE NUMBER: 2024-222**

**CONCISE SUMMARY:**

Amends rules for Advance Deposit Wagering to allow anyone to apply for an Advance Deposit wagering Operator license.

**EFFECTIVE DATE: Tuesday, October 8, 2024**

**AGENCY CONTACT PERSON:** Milton Champion

AGENCY NAME: Gambling Control Board

ADDRESS: 45 Commerce Drive, Augusta ME 04333

TELEPHONE: 207-626-3900

**AGENCY: 13-188 Department of Marine Resource**

**CHAPTER NUMBER AND TITLE: Chapter 34: Recreational Measures for Cod and Haddock**

**ADOPTED RULE NUMBER: 2024-223**

**CONCISE SUMMARY:**

On July 27, 2024, DMR adopted an emergency rule to align state recreational fishing regulations for Gulf of Maine cod and haddock with those adopted by NOAA Fisheries in federal waters. Consistent with the existing emergency rule, this rule-making maintains the existing season and bag limit for cod but modifies the size limit to 23 inches. For haddock, the rulemaking maintains the season but standardizes recreational measures across sectors with a 15 fish possession limit and a minimum size of 18 inches.

**EFFECTIVE DATE: Sunday, October 6, 2024**

**AGENCY CONTACT PERSON:** Deirdre Gilbert

AGENCY NAME: Department of Marine Resources

ADDRESS: 21 State House Station, Augusta, Maine 04333

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

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: (207) 624-6553

FAX: (207) 624-6024

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

**AGENCY: 13-188 Department of Marine Resources**

**CHAPTER NUMBER AND TITLE: Chapter 36 Atlantic Herring; 2024 Season 2 Opens**

 **ADOPTED RULE NUMBER: 2024-224**

**CONCISE SUMMARY:**

The Days Out Commissioners have set zero landing days for October 1 through October 9, 2024 for Season 2 (Trimester 3; October 1 – December 31) of the Atlantic herring fishery. Two landing days have been designated beginning Thursday, October 10 at 12:01 a.m. through Friday, October 11 at 11:59 p.m. followed by zero landing days through to Monday, November 4. Four landing days have been designated starting Tuesday, November 5 at 12:01 a.m. through Friday at 11:59 p.m., weekly. The Commissioner has determined that it is necessary to take emergency action to comply with the changes to the interstate management of the Atlantic herring resource and to reduce the risk of an overage in the Area 1A sub-ACL that could deplete the supply of Atlantic herring. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. Sec.6171(3)(C).

**EFFECTIVE DATE: Tuesday, October 1, 2024**

**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/>

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**AGENCY: 13-188 Department of Marine Resource**

**CHAPTER NUMBER AND TITLE: Chapter 26: Sea Urchin 2024-2025 Season**

**ADOPTED RULE NUMBER: 2024-225**

**CONCISE SUMMARY:**

This regulation establishes open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2024-2025 season. For Zone 1, seasons are established for divers, trappers, rakers and draggers in 2024-2025, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2023-2024 season. For Zone 1, the daily tote limit is nine (9). For Zone 2, 40-day seasons are established for divers, trappers, rakers and draggers in 2024-2025, from which harvesters may only fish up to 30 days of their choosing. This regulation has the same number of fishing days and opportunity days as the 2023-2024 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 12-day season is established for Zone 2 divers, trappers, rakers and draggers in 2024-2025, 3 days less than the 2023-2024 season due to the contraction of the calendars. For Zone 2, the daily tote limit is six (6).

Harvesters are permitted to defer sale of daily catch and increase on-shore possession by the daily tote limit per zone multiplied by the number of open harvest days each week. All catch must be sold weekly on Fridays, 11:59 p.m. If there is no sale transaction, the harvester is required to report their daily landing electronically. All on-shore catch must be tagged by harvester, indicating landings number, harvester name and date of harvest.

**EFFECTIVE DATE: Sunday, October 6, 2024**

**AGENCY CONTACT PERSON:** Deirdre Gilbert

AGENCY NAME: Department of Marine Resources

ADDRESS: 21 State House Station, Augusta, Maine 04333

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

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

**CHAPTER NUMBER AND TITLE: Chapter 4 - Disclosure of Vital Statistics Data, Reports and Records Rule**

**ADOPTED RULE NUMBER: 2024-226**

**CONCISE SUMMARY:**

The Department adopted the amended rule, 10-146 CMR Chapter 4, Disclosure of Vital Statistics Data, Reports and Records Rule. Adopted routine technical changes are consistent with the proposed rule and include: adding two categories of applicants who may demonstrate direct and legitimate interest and be authorized to receive specific data recorded within the vital record system maintained by the Maine Center for Disease Control and Prevention – Data, Research, and Vital Statistics (DRVS): (1) healthcare practitioners seeking to update their patient records by requesting death certificates and (2) organizations and foundations in Maine administering 529 funds. Chapter 4 clarifies the Department's criteria for determining which applicants may be approved and whether an applicant has demonstrated a direct and legitimate interest in the records requested from the State Registrar and consolidates the provisions related to criteria for authorized applicants (Section 6(A)), reserving Section 8 for conditions of data release for such records, specifically.

**EFFECTIVE DATE: Monday, October 7, 2024**

**AGENCY CONTACT PERSON:**

NAME: Bridget Danis, Policy Analyst - Maine CDC

ADDRESS: 286 Water Street, Augusta, ME 04333-0011

TELEPHONE: Tel: (207) 287-9394; TTY: 711

E-MAIL ADDRESS: bridget.danis@maine.gov

AGENCY WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/>

DEPARTMENT RULES WEBSITE: <https://www.maine.gov/dhhs/about/rulemaking>

**AGENCY: 94-391 State Board of Property Tax Review**

**CHAPTER NUMBER AND TITLE: Chapter 1: Rules of Practice and Procedure in Appeals before the State Board of Property Tax Review**

**ADOPTED RULE NUMBER: 2024-227**

**CONCISE SUMMARY:**

The Board is proposing these amendments to Chapter 1 to update the Board’s rules of practice and procedure to make them consistent with statutory changes; streamline the pre-hearing and hearing process; clarify existing language; correct minor errors; and update outdated language.

**EFFECTIVE DATE: Saturday, October 12, 2024**

**AGENCY CONTACT PERSON: Phil St. Onge, Executive Director**

AGENCY NAME: State Board of Property Tax Review

ADDRESS: 49 State House Station, 19 Elkins Lane, Augusta ME 04330-004

TELEPHONE: 207-592-5074

**AGENCY: 18-691 Office of Cannabis Policy**

**CHAPTER NUMBER AND TITLE: 18-691 CMR, chapter 10, Rules for the Administration of the Adult Use Cannabis Program**

**ADOPTED RULE NUMBER: 2024-228**

**CONCISE SUMMARY:**

The Department of Administrative and Financial Services, Office of Cannabis Policy, is promulgating the *Rules for the Administration of the Adult Use Cannabis Program*, along with the *Rules for the Licensure of Adult Use Cannabis Establishments,* 18-691 CMR, ch. 20, *Compliance Rules for Adult Use Cannabis Establishments*, 18-691 CMR, ch. 30 and the *Rules for the Testing of Adult Use Cannabis*, 18-691 CMR, ch. 40 in anticipation of fully repealing the *Adult Use Cannabis Program Rule,* 18-691 CMR, ch. 1, once those four rules have been finally adopted. The Office of Cannabis Policy (OCP) has the authority to “promulgate rules necessary to implement, administer and enforce [the Cannabis Legalization Act].” 28-B MRS Sec. 104.

This rule is compromised of the administrative provisions, definitions and program fees from the original *Adult Use Cannabis Program Rule*, and incorporates statutory changes since the last time that rule was revised, specifically, PL 2021, ch. 628, PL 2023, ch. 6, Emergency (Signed March 15, 2023), PL 2023, ch. 408 and PL 2023, ch. 396. This rule also incorporates changes identified by the Office during its process of regulatory lookback and those identified by stakeholders through public comments during the public comment period for this rule.

**EFFECTIVE DATE**: **Wednesday, November 6, 2024**

**AGENCY CONTACT PERSON:** Gabi Pierce e-mail: Gabi.Pierce@maine.gov

AGENCY NAME: Office of Cannabis Policy

ADDRESS: 162 State House Station, Augusta, ME 04333

TELEPHONE: (207) 530-0507

**AGENCY: 18-691 Office of Cannabis Policy**

**CHAPTER NUMBER AND TITLE: 18-691 CMR, ch. 30 Compliance Rules for Adult Use Cannabis Establishments**

**ADOPTED RULE NUMBER: 2024-229**

**CONCISE SUMMARY:**

The Department of Administrative and Financial Services, Office of Cannabis Policy, is promulgating the *Compliance Rules for Adult Use Cannabis Establishments*, along with the *Rules for the Administration of the Adult Use Cannabis Program*, 18-691 CMR, ch. 10, the *Rules for the Licensure of Adult Use Cannabis Establishments,* 18-691 CMR, ch. 20, and the *Rules for the Testing of Adult Use Cannabis*, 18-691 CMR, ch. 40 in anticipation of fully repealing the *Adult Use Cannabis Program Rule*, 18-691 CMR, ch. 1, once those four rules have been finally adopted. The Office of Cannabis Policy (OCP) has the authority to “promulgate rules necessary to implement, administer and enforce [the Cannabis Legalization Act].” 28-B MRS Sec. 104.

This rule is compromised of the compliance requirements from the original *Adult Use Cannabis Program Rule*, and incorporates statutory changes since the last time that rule was revised, specifically, PL 2023, ch. 6, Emergency (Signed March 15, 2023), PL 2023, ch. 408 and PL 2023, ch. 396. This rule also incorporates changes to clarify provisions addressed in guidance documents previously issued by the Office, changes identified by the Office through regulatory lookback, as well as changes identified by stakeholders through public comments during the public comment period for this rule.

**EFFECTIVE DATE**: **Wednesday, November 6, 2024**

**AGENCY CONTACT PERSON:** Gabi Pierce e-mail: Gabi.Pierce@maine.gov

AGENCY NAME: Office of Cannabis Policy

ADDRESS: 162 State House Station, Augusta, ME 04333

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**AGENCY: 18-691 Office of Cannabis Policy**

**CHAPTER NUMBER AND TITLE: 18-691 CMR, ch. 20 Rules for the Licensure of Adult Use Cannabis Establishments**

**ADOPTED RULE NUMBER: 2024-230**

**CONCISE SUMMARY:**

The Department of Administrative and Financial Services, Office of Cannabis Policy, is promulgating the Rules for the Licensure of Adult Use Cannabis Establishments, along with the Rules for the Administration of the Adult Use Cannabis Program, 18-691 CMR, ch. 10, the Compliance Rules for Adult Use Cannabis Establishments, 18-691 CMR, ch. 30, and the Rules for the Testing of Adult Use Cannabis, 18-691 CMR, ch. 40 in anticipation of fully repealing the Adult Use Cannabis Program Rule, 18-691 CMR, ch. 1, once those four rules have been finally adopted. The Office of Cannabis Policy (OCP) has the authority to “promulgate rules necessary to implement, administer and enforce [the Cannabis Legalization Act].” 28-B MRS Sec. 104.

This rule is compromised of the licensing requirements from the original Adult Use Cannabis Program Rule, and incorporates statutory changes since the last time that rule was revised, specifically, PL 2023, ch. 408 and PL 2023, ch. 396. This rule also incorporates changes to clarify provisions addressed in guidance documents previously issued by the Office as well as changes identified by stakeholders through public comments during the public comment period for this rule.

**EFFECTIVE DATE**: **Wednesday, November 6, 2024**

**AGENCY CONTACT PERSON:** Gabi Pierce e-mail: Gabi.Pierce@maine.gov

AGENCY NAME: Office of Cannabis Policy

ADDRESS: 162 State House Station, Augusta, ME 04333

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**AGENCY: 18-691 Office of Cannabis Policy, Department of Administrative and Financial Services**

**CHAPTER NUMBER AND TITLE: Rules for the Testing of Adult Use Cannabis, 18-691 CMR, Chapter 40**

**ADOPTED RULE NUMBER: 2024-231**

**CONCISE SUMMARY:**

This rulemaking updates the requirements for the mandatory testing of adult use cannabis and cannabis products necessary to implement statutory changes made to the Cannabis Legalization Act, 28-B MRS, including PL 2023, ch. 6, Emergency (Signed March 15, 2023), and PL 2023, ch. 408, PL 2023, ch. 396, specifically changes to the authorized activity of tier 1, tier 2, and nursery cultivation facilities and products manufacturing facilities allowing for the sales of cannabis and cannabis products to consumers by delivery (except that nursery cultivation facilities may sell only immature cannabis plants, seedlings, cannabis seeds and agricultural or gardening supplies relating to the cultivation of cannabis); permitting the delivery of cannabis and cannabis products by authorized licensees to consumers at hotels or other private businesses, provided that the delivering licensee has obtained written consent from the owner or other authorized agent of the business to conduct such deliveries; permitting the return of cannabis or cannabis products from licensee to the licensee that transferred the cannabis or cannabis products to the returning licensee and provides for the testing of such returned cannabis or cannabis products; permitting the use of vehicle wraps by licensees; increasing the per package limit for edible cannabis products from 100 mg per package to 200 mg per package and increasing the possession limit for cannabis concentrates from 5 grams to 10 grams; creation of new definitions for the terms “permitted premises for a specified event,” “specified event,” and “specified event permit”; amendments to the application requirements for the issuance of a permit for cannabis stores to conduct sales at specified events; amendments to the limitations and conditions for cannabis stores to conduct sales at events – including repealing the prohibition on the sale of “smokable” cannabis or cannabis products at specified event; establishment of criteria for suspension/revocation of permit to conduct sales at an event; established criteria for DAFS’s approval or denial of a permit application for cannabis stores to conduct sales at a specified event to allow denial of such applications for “good cause”; and amendments to the requirements that the Department issue guidance to cannabis stores.

**EFFECTIVE DATE**: **Wednesday, November 6, 2024**

**AGENCY CONTACT PERSON:** Gabi Pierce e-mail: Gabi.Pierce@maine.gov

AGENCY NAME: Office of Cannabis Policy

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**Notice: Beginning in January 2025, online rulemaking proposal and adoption notices will be posted each week in a .pdf document. Each .pdf document that is posted will be accessible through a link that will be listed on the main “Weekly Rulemaking Notices” website.**