**State of Maine: Notice of Agency Rulemaking – October 28, 2020**

**PROPOSALS**

AGENCY: **01-001 - Department of Agriculture, Conservation and Forestry (DACF)**

CHAPTER NUMBER AND TITLE: **Ch. 329**, Rule Governing Maine Milk and Milk Products

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P209**

**BRIEF SUMMARY**: The principal reason for the rule amendments to ch. 329, *Rule Governing Maine Milk and Milk Products*, are to be consistent with recommendations of the 2019 United States Public Health Service (USPHS), Food and Drug Administration (FDA) Grade "A" Pasteurized Milk Ordinance (PMO) required by 7 MRS §2910. Amendments update both procedures and standards governing the inspection and examination, licensing, permitting, testing, labeling and sanitation of milk and milk product production and distribution. In addition, the rule proposes minor increases to the permit fee structure which have not occurred in over 25 years.

**DETAILED SUMMARY**: The proposed rule amendments to ch. 329, *Rule Governing Maine Milk and Milk Products*, are consistent with recommendations of the 2019 United States Public Health Service (USPHS), Food and Drug Administration (FDA) Grade "A" Pasteurized Milk Ordinance (PMO). These amendments to the rule are necessary to be incompliance with Federal standards, so that Maine Milk Producers can ship milk in interstate commerce required by 7 MRSA §2910. The State last amended the rule based on the 2003 edition of the USPHS/FDA Grade "A" PMO by reference in 2006. To be consistent, USFDA urged the State to amend the current rule to be up to date with the provisions of the 2019 version of the PMO, so to take advantage of the most current developments in milk sanitation and administration. The proposed amendments will take advantage of the latest public health benefits, as well as those economic in nature. In addition, the rule proposes minor increases to the permit fee structure which have not occurred in over 25 years.

**PUBLIC HEARING***:* November 17, 2020, starting at 10:00 a.m. *Because of the COVID-19 Public Health Emergency and Pursuant to 1MRS §403-A4, enacted by PL 2020 c. 617 part G (eff. March 18, 2020), this hearing will be held on-line by Microsoft Team Meeting and telephonically. Directions on how to join the Microsoft Team Meeting or telephonically with be posted on the Maine Department of Agriculture, Conservation & Forestry website at* [*www.maine.gov/dacf/qar/*](http://www.maine.gov/dacf/qar/)*.*

COMMENT DEADLINE: November 30, 2020

CONTACT PERSON FOR THIS FILING /SMALL BUSINESS IMPACT INFORMATION: Linda Stahlnecker, Manager, Dairy Program – DACF, 28 State House Station – 90 Blossom Lane, Augusta, Maine 04333. Telephone: (207) 287 7623. Fax: (207) 287-5576. TTY. 1 (800) 437-1220. Email: [Linda.Stahlnecker](mailto:Linda.Stahlnecker)[@Maine.gov,](mailto:@maine.gov,)

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES*:* None

STATUTORY AUTHORITY FOR THIS RULE: 7 MRS §2910

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:None

AGENCY WEBSITE: [www.maine.gov/dacf/qar/](http://www.maine.gov/dacf/qar/) .

DACF RULEMAKING LIAISON: [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov) .

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

CHAPTER NUMBER AND TITLE: **Ch. 100**, Definitions Regulation

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P210**

BRIEF SUMMARY: On February 6, 2020, the Maine Board of Environmental Protection voted to authorize the submission on behalf of the Governor of a petition to the Environmental Protection Agency (EPA) Administrator, under Section 176A of the *Clean Air Act* (CAA), to remove certain portions of Maine from the Ozone Transport Region (OTR).

EPA recently notified the Department that amending the definition of “Ozone Transport Region” in the Department’s ch. 100, *Definitions Regulation*, is necessary to facilitate processing of the Department’s petition because the current State Implementation Plan-approved definition includes the entire state of Maine. Since approval of the Department’s Section 176A Petition would reduce the geographic extent of the OTR in Maine, the Department is proposing to revise this definition to exclude those parts of the state to be removed from the OTR by the EPA Administrator pursuant to CAA Section 176A.

The Department will be submitting the changes to this rule, including previous amendments adopted on January 14, 2019, to the U.S. Environmental Protection Agency for approval in Maine's State Implementation Plan.

Copies of these rules are available upon request by contacting the agency contact person or on the DEP website at <http://www.maine.gov/dep/rules/>. Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

PUBLIC HEARING: Thursday, November 19, 2020, 10:00 a.m. by video/audio conference (Zoom). *Directions on how to attend the hearing will be posted on the Department’s rulemaking website and the Board’s webpage one week before the hearing. Persons who want to testify at the hearing are encouraged to add their name to a testimony signup list prior to the start of the hearing by emailing their name to Board staff at* [*Ruth.A.Burke@Maine.gov*](mailto:Ruth.A.Burke@Maine.gov) *by close of business on Monday, November 16th.*

COMMENT DEADLINE: November 30, 2020 - 5:00 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Erle Townsend, DEP, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-6115. Fax: (207) 287-7826. Email: Erle.Townsend@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact is anticipated from this proposal.

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

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: same

DEP RULES WEBSITE: <http://www.maine.gov/dep/rules/> .

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

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

AGENCY: **18-125** - Department of Administrative & Financial Services (DAFS), **Maine Revenue Services (MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 807**, Residency

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P211**

BRIEF SUMMARY: The draft rule proposes the following changes: The existing Rule 807 definition of “statutory resident” is replaced with a definition that references the statutory residency standard in 36 MRS §5102(5)(B). The definition of “permanent place of abode” is updated to provide that the residence must be maintained by the individual as a household for the entire tax year.

Section .07, “Resident and nonresident aliens,” is broken into two subsections. The current provisions, now located in subsection A, no longer apply to tax years beginning on or after January 1, 2020. The new provisions are located in subsection B and provide that, for tax years beginning on or after January 1, 2020, an individual’s Maine residency and Maine income tax are determined under Maine law, without regard to federal resident or nonresident alien status unless otherwise provided by Maine law.

Lastly, section .08, “Military personnel,” is updated to more accurately and completely reflect current federal law concerning the residency of a military spouse, including the federal election under 50 USC §4001(a)(2) available for tax years beginning on or after January 1, 2018. That federal election permits a military spouse to use the same residence as the service member for purposes of taxation regardless of the date on which the marriage occurred.

PUBLIC HEARING: N/A

COMMENT DEADLINE: December 7, 2020

CONTACT PERSON FOR THIS FILING / MRS RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024. Telephone: (207) 624-9712. Email: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT: N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 36 MRS §§ 112, 5102(5)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: 36 MRS §5102(5); 50 USC §4001(a)(2)

MRS WEBSITE: [www.maine.gov/revenue](http://www.maine.gov/revenue) .

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 1**, Open Water and Ice Fishing Regulations; *and* **Ch. 1-A**, State Heritage Fish Waters

ADOPTED RULE NUMBER: **2020-221, 222**

CONCISE SUMMARY: The Commissioner of Inland Fisheries and Wildlife has adopted rules pertaining to open water fishing and ice fishing. This body of rules is printed in its entirety in the *Open Water & Ice Fishing Laws and Rules* booklet (January 1, 2021 – December 31, 2021) and will be available from the Department, online at [www.maine.gov/ifw](http://www.maine.gov/ifw), as well as license agents. The Department has also added one water to the State Heritage Fish waters list and will be removing two waters. For a copy of adopted changes prior to release of the laws and rules booklet, please contact the agency rulemaking contact person.

EFFECTIVE DATE: January 1, 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](mailto:Becky.Orff@Maine.gov) .

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

AGENCY: **29-250** - Department of the Secretary of State (SOS), **Bureau of Corporations, Elections and Commissions (CEC)**

CHAPTER NUMBER AND TITLE: **Ch. 525**, Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots

ADOPTED RULE NUMBER: **2020-223** *(Emergency)*

CONCISE SUMMARY: This rule extends the time period when the Department is authorized to begin to process absentee ballots submitted by uniformed service voters and overseas voters to make it consistent with the period for processing absentee ballots by municipal officials and to ensure that all ballots are processed in a timely manner for tallying on election night.

EFFECTIVE DATE: October 28, 2020

AGENCY CONTACT PERSON / CEC RULEMAKING LIAISON: Julie L. Flynn, Bureau of Corporations, Elections and Commissions, 101 State House Station, Augusta, ME 04333-0101. Telephone: (207) 624-7736. Email: [Julie.Flynn@Maine.gov](mailto:Julie.Flynn@Maine.gov) .

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