**State of Maine: Notice of Agency Rulemaking: Wednesday, November 13, 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**

**AGENCY: 05-071 Department of Education**

**CHAPTER NUMBER AND TITLE: Chapter 132: Learning Results: Parameters for Essential Instruction**

**TYPE OF RULE: Major Substantive**

**PROPOSED RULE NUMBER: 2024-P286**

**BRIEF SUMMARY:** During the Second Regular Session of the Maine Legislature, the Education and Cultural Affairs Committee declined to authorize the proposed social studies content standards of the Maine Learning Results. The Education and Cultural Affairs committee directed the Department to reengage in the rulemaking process for the social studies standards. To this end, the Department reopened the steering committee and writing team conversations for the social studies standards. On May 3, the Maine Department of Education convened the Steering Committee to begin the revision process for the state’s social studies standards. This committee was composed of various stakeholders from across Maine, including classroom teachers, district administrators, university faculty, and representatives from the Wabanaki nations. Given that the Education and Cultural Affairs Committee did not provide substantive feedback on the 2023 revision when asking the Department to restart the social studies standards review process, the 2024 Steering Committee determined that, because they did not know what specific issues members of the Committee on Education and Cultural Affairs wanted amended, they decided to support resubmitting the proposed 2023 Social Studies revised standards in the 132nd legislative session.

**PUBLIC HEARING** *(if any)*: November 25, 2024, from 3:00-5:00 pm at the Burton Cross Office Building, located at 111 Sewall Street, Augusta, Maine 04333, Room 103

**COMMENT DEADLINE:** December 6, 2024, 5 pm

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

207-446-8791; Laura.cyr@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** Title 20-A, Sec. 6211

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

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

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** laura.cyr@maine.gov

**AGENCY: 03-201 Maine Department of Corrections**

**CHAPTER NUMBER AND TITLE: Ch. 1, Detention and Correctional Standards for Maine Counties and Municipalities**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P285**

**BRIEF SUMMARY:** This rule is proposed to be amended to clarify and update several of its provisions.

Copies of the proposed rule are available upon request by contacting the Department contact person identified below or on the Department of Corrections website at <https://www.maine.gov/corrections/policies>. Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment.

**DETAILED SUMMARY:** The following are the proposed amendments to the current rule:

Standard C.12. is proposed to be amended to clarify that a count requires the observation of living breathing flesh and that staff performing a count must immediately notify their supervisor if they do not observe that or if an inmate is missing.

Standard D.3. is proposed to be amended to add that staff supervising inmates must notify their supervisor and take immediate action to protect an inmate’s safety if the inmate is not responsive.

Standards J.2. and J.4. are proposed to be amended to allow a jail to contract with a third party vendor to process and deliver incoming mail, other than legal mail, when there are safety concerns related to the introduction of contraband by incoming mail and to allow extra time for the delivery of incoming mail, other than legal mail.

Standard K.16 is proposed to be amended to require that a jail which is proposing to transfer an inmate to another detention or correctional facility or to a state psychiatric facility, or which has transferred an inmate, provide to the receiving facility a summary of treatment and care that has been provided in the jail, including any court paperwork related to treatment, and to require that additional information be provided upon request.

Standard K.19 is proposed to be amended to require that reports of inmate participation in medication-assisted treatment be submitted to the Department of Corrections on a quarterly basis using the reporting form required by the Department.

Standard P.9 is proposed to be amended and Standard P. 31 is proposed to be added to require that a jail not exceed its rated capacity, require that certain steps be taken if a jail does exceed its rated capacity, and prohibit a jail from refusing to accept an arrested individual except as set out in Standard E.2. (which relates to a person who is unconscious or shows sign of or complains of other serious injury or wounds).

**PUBLIC HEARING** *(if any)*: There will be a Rulemaking Public Hearing on December 5, 2024 at 1:00 P.M. to 3:00 P.M.in person in the MDOC Board Room, 3rd Floor, Tyson Building, 45 Tyson Drive, Augusta, ME and also as a virtual meeting on Microsoft Teams. Persons may elect to participate virtually by emailing mary.a.lucia@maine.gov and requesting a Microsoft Teams invitation.

In addition, directions on how to attend the hearing will be posted on the Department of Corrections website and sent upon request to interested persons.

The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before November 25, 2024.

**COMMENT DEADLINE:** December 16, 2024

Written comments may be submitted by mail, e-mail, or fax to the contact person before the end of the comment period or by submitting a comment on the above website. To ensure the comments are considered, they must include the name of the commenter and the organization represented, if any.

**CONTACT PERSON FOR THIS FILING:**

Mary Lucia

Department of Corrections

111 SHS

Augusta ME 04333

Phone: (207) 530-0983

Fax: (207) 287-4370

mary.a.lucia@maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** Title 34-A, sections 1208 & 1208-B

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

**AGENCY WEBSITE:** https://www.maine.gov/corrections/

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** mary.a.lucia@maine.gov

**AGENCY: 01-670 Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

**CHAPTER NUMBER AND TITLE: Chapter 54, Bear Baiting on Public Lands**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER:** **2024-P312**

**BRIEF SUMMARY:** Changing the base rate for personal and commercial bait sites to be determined by the Bureau and can be adjusted every 3 years prior to the application period. Clarifies refund eligibility. Specified documentation requirements with Commercial bear bait sites. Increased the radius of the bait site. Updated the application timeframe, the notification timeframe for approved permits, and the specified required submittal timeframe of payment and insurance requirements. The site renewal timeframe has been updated for both commercial and personal bear-baiting sites.

**DETAILED SUMMARY:**

Amendments to Chapter 54, Bear Baiting on Public Lands, were made due to outdated fee structures and public interest in adjusting the lottery process in addition to the need for minor wording, spacing, and format edits, as detailed below.

* Changing the base rate to cover program administrative costs from $30 per personal bait site and $65 per commercial bait site to instead be determined by the Bureau and can be adjusted every 3 years prior to the application period. Clarifies that there is no refund eligibility unless the site is determined unusable by the Bureau after a permit has been issued.
* Specified requirements with commercial bear bait sites to include the applicant providing a valid and current guide license number rather than a current hunting license.
* Updating insurance requirements for commercial bait sites to require insurance policies to cover the activity with limits of not less than $500,000 (previously $300,000) per occurrence with a single limit and an annual aggregate limit of not less than $1,000,000.
* Permits issued will include GPS coordinates rather than a bait site map, and the site radius will also increase from 100 feet to 150 yards.
* Updated the application timeframe from June 1st – June 30th to between the first and last business days in February. Successful applicants will be notified of their permit by the third Friday in March. Permittees must provide payment and proof of license by the third Friday in April, or sites will be forfeited and re-allocated. Permits will be issued to those successful applicants by the second Friday in July.
* Updated permit cycles for commercial sites to be renewed annually for up to six years instead of three years. Notice of renewal will be made by the first business day in February of each renewal year. Permittees must provide payment and proof of license by the third Friday in April, or sites will be forfeited and re-allocated. Permits will be issued to those successful applicants by the second Friday in July.
* Removed accommodation for late applications, while adding stipulation that bait sites that become available after permits are issued will be allocated based on applications from the first year of the permit cycle and will be valid for only the remainder of that permit cycle.
* Provides for discretion by Bureau staff to group commercial sites and then the awarding of those commercial sites by lottery when the applications for commercial sites exceeds those available.

**PUBLIC HEARING** *(if any)*: December 3, 2024, 6:00 – 7:00 PM (via videoconference)

**COMMENT DEADLINE:** December 17, 2024

**CONTACT PERSON FOR THIS FILING:** Jim Vogel, Bureau of Parks and Lands, 22 SHS, Augusta, ME 04333-0022, (207) 446-3909, Jim.Vogel@Maine.gov

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

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

**STATUTORY AUTHORITY FOR THIS RULE:** 12 MRSA Sec. 1847 (5)

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

**AGENCY WEBSITE:** [www.ParksandLands.com](http://www.ParksandLands.com)

EMA**IL FOR OVERALL AGENCY RULEMAKING LIAISON:**  Shannon.Ayotte@maine.gov

**ADOPTIONS**

**AGENCY: 18-553 Department of Administrative and Financial Service Bureau of Alcoholic Beverages and Lottery Operations, Maine State Liquor and Lottery Commission**

**CHAPTER NUMBER AND TITLE: Chapter 10, Lottery Rules**

**ADOPTED RULE NUMBER: 2024-249**

**CONCISE SUMMARY:**

This amendment updates the existing rules governing the rules of Powerball. This amendment makes necessary changes to allow an option called “Double Play” to the existing Powerball game. Double Play allows players the opportunity to use their existing Powerball numbers to win prizes in a separate drawing. There is an additional charge of $1 per play to add the Double Play option. In addition, there are technical changes to clarify language, and fix typographical errors.

**EFFECTIVE DATE: Tuesday, November 12, 2024**

**AGENCY CONTACT PERSON:** Michael Boardman, Deputy Director Lottery

Bureau of Alcoholic Beverages and Lottery Operations

8 State House Station, Augusta, ME 04333-0008

Telephone: 207-287-4614

Fax: 207-287-6769

e-mail: Michael.Boardman@maine.gov

**AGENCY: 09-137 Inland Fisheries and Wildlife**

**CHAPTER NUMBER AND TITLE: Chapter 16 – Hunting (Registration of Big Game and Furbearers)**

**ADOPTED RULE NUMBER: 2024-250**

**CONCISE SUMMARY:**

The Commissioner of Inland Fisheries and Wildlife has amended Chapter 16 rules to adjust the tagging and registration of furbearers taken by hunters. The changes move the information pertaining to the possession, transportation, and registration of furbearers taken by hunting or trapping from Chapter 16 to Chapter 17 rules, “Furbearers and Trapping.” These rules will become effective on July 1, 2025. Please contact the agency contact person for this filing for a complete copy of the rule.

**EFFECTIVE DATE: Tuesday, July 1, 2025**

**AGENCY CONTACT PERSON:** Becky Orff

AGENCY NAME: Inland Fisheries and Wildlife

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

TELEPHONE: 207-287-5202

EMAIL: Becky.Orff@maine.gov

**AGENCY: 09-137 Inland Fisheries and Wildlife**

**CHAPTER NUMBER AND TITLE: Chapter 17 – Furbearers and Trapping (Registration of Furbearing Animals and Bears Taken by Hunting or Trapping)**

**ADOPTED RULE NUMBER: 2024-251**

**CONCISE SUMMARY:**

The Commissioner of Inland Fisheries and Wildlife has amended Chapter 17 rules to adjust the tagging and registration of furbearers taken by hunters and trappers. These changes move the information pertaining to the possession, transportation, and registration of furbearers taken by hunting or trapping from Chapter 16 to Chapter 17 rules and amends the title of the Chapter to “Furbearers and Trapping.” These rules will become effective on July 1, 2025. Please contact the agency contact person for this filing for a complete copy of the rule.

**EFFECTIVE DATE: Tuesday, July 1, 2025**

**AGENCY CONTACT PERSON:** Becky Orff

AGENCY NAME: Inland Fisheries and Wildlife

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TELEPHONE: 207-287-5202

EMAIL: Becky.Orff@maine.gov

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

**CHAPTER NUMBER AND TITLE: Ch. 35 Rules for Operation of the Maine Healthy Soils Fund**

**ADOPTED RULE NUMBER: 2024-252**

**CONCISE SUMMARY:**

This rule chapter defines the procedures and criteria for spending funds available from the Maine Healthy Soils Fund to improve soil health on Maine farms. These include incentives for practice adoption, reduction of on-farm barriers to improved soil health, and improvement of the soil health technical assistance capacity of Maine’s agriculture service provider networks.

**EFFECTIVE DATE: Tuesday, November 12, 2024**

**AGENCY CONTACT PERSON:** Shannon Ayotte

AGENCY NAME: Dept. of Agriculture, Conservation and Forestry

ADDRESS: 22 SHS, Augusta, ME 04333

TELEPHONE: 207-287-5976

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

**CHAPTER NUMBER AND TITLE: 18-691 CMR, chapter 5, Rules for the Certification of Cannabis Testing Facilities**

**ADOPTED RULE NUMBER: 2024-253**

**CONCISE SUMMARY:**

Revisions to this rule incorporates legislative changes enacted in P.L. 2023, ch. 679 and guidance previously issued by OCP regarding the process by which cannabis testing facilities report equipment failures to OCP and Maine CDC and the conduct of testing during those periods of equipment downtime, as well providing requirements applicable to “demonstrations of capability” by testing facility licensees, adding a requirement that microbial analyses that use plating methods use a plate reader to read all plates, clarifying sample homogenization requirements, clarifying circumstances when a cannabis testing facility can retest samples of cannabis or cannabis products that had previously failed mandatory testing, updating all cross references to reflect references to statute and the rules governing the adult use cannabis program necessitated by legislative changes to Title 28-B, ch. 1, and reformatting the rule to reflect the Secretary of State’s required rule format.

**EFFECTIVE DATE: Tuesday, November 12, 2024**

**AGENCY CONTACT PERSON:** Gabi Pierce; gabi.pierce@maine.gov

AGENCY NAME: Office of Cannabis Policy

ADDRESS: 162 State House Station, Augusta, ME 04333;

TELEPHONE: 207-530-0507

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

**CHAPTER NUMBER AND TITLE: Chapter 11 Scallops; 2024-2025 Season**

**ADOPTED RULE NUMBER: 2024-255**

**CONCISE SUMMARY:**

This rule-making establishes the 2024-2025 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 begins on December 9, 2024 and the last day of the season is March 20, 2025. For Zone 1, a 60-day season for divers begins on December 3, 2024 and the last day of the season is April 26, 2025. For Zone 2, a 70-day season for draggers begins on December 2, 2024 and the last day of the season is March 31, 2025. For Zone 2, a 70-day season for divers begins on November 19, 2024 and the last day of the season is April 12, 2025. For Zone 3, a 50-day season for draggers begins on December 2, 2024 and the last day of the season is March 25, 2025. For Zone 3, a 50-day season for divers begins on December 5, 2024 and the last day of the season is March 29, 2025.

Lower Sheepscot and Damariscotta Rivers in Zone 1 along with Upper Machias Bay, Moosabec Reach and Upper Cranberries in Zone 2 are new targeted closures for recovery and rebuilding. Gouldsboro and Dyers Bay along with Upper Blue Hill Bay are established as new limited access areas.

Harvesting of scallops by hand (diving) is restricted to Rotation B (Second) only for the 2024-2025 season. Harvesting for scallops by dredge gear is restricted to Rotation C (Third) only for the 2024-2025 season. Rotation A is closed to all harvest.

**EFFECTIVE DATE: Tuesday, November 12, 2024**

**AGENCY CONTACT PERSON:** Deirdre Gilbert (207) 624-6553

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) 624-6573

FAX: (207) 624-6024

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

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

**CHAPTER NUMBER AND TITLE: Chapter 2 Aquaculture Regulations**

**ADOPTED RULE NUMBER:2024-256**

**CONCISE SUMMARY:**

12 M.R.S.A. Sec. 6072-C(2-B) allows a Limited Purpose Aquaculture (LPA) license holder to request certain exceptions to the requirement that the license holder provide direct supervision of unlicensed individuals assisting the LPA holder in the licensed activities at the license holder’s LPA site. Some of the exceptions are specific to the LPA holder having an ownership interest in an entity that holds or has applied for an experimental or standard lease. For purposes of implementing the exception in 12 M.R.S.A. Sec. 6072-C(2-B)(A), the regulation clarifies that the LPA holder needs to have a 50% or greater ownership interest in the entity, including as a shareholder in a company, that holds or has applied for an experimental and standard lease. In cases where multiple LPA holders have an ownership interest such that no one has a 50% or greater share, only one individual can claim the exception. The rule also exempts LPA upweller sites from the owner/operator requirement. As a matter of clarity, the regulation changes the name of Chapter 2 regulations from “Aquaculture Lease Regulations” to “Aquaculture Regulations.” Finally, the proposed regulation clarifies the application of the definition of “riparian owner”, consistent with statute.

**EFFECTIVE DATE: Tuesday, November 12, 2024**

**AGENCY CONTACT PERSON:** Deirdre Gilbert

AGENCY NAME: Department of Marine Resources

ADDRESS: 21 State House Station, Augusta, Maine 04333

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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.**