**State of Maine: Notice of Agency Rulemaking: Wednesday, November 27, 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: 01-001 Department of Agriculture, Conservation and Forestry**

**CHAPTER NUMBER AND TITLE: Chapter 3: TEFAP**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P314**

**BRIEF SUMMARY:** The amended rule replaces outdated terms and updates definitions as well as reorganizes for readability and clarity. Additionally, it adds language pertaining to The Emergency Food Assistance Program Fund, established as a nonlapsing fund to support the emergency food assistance program administered by the Department of Agriculture, Conservation and Forestry. Money in the fund must be expended as allocated by the Legislature to support the emergency food assistance program administered by the department. The fund may receive money from any source, including grants, gifts, bequests and donations. The rule will establish the purpose and acceptable uses of the fund, as well as protocols for grant submission including content and timelines.

**PUBLIC HEARING** *(if any)*: Date: December 16, 2024, Time: 2:00pm – 4:00pm, Location: Deering Building, 90 Blossom Lane, Augusta, ME 04330, Room 101

**COMMENT DEADLINE:** 12/27/24

**CONTACT PERSON FOR THIS FILING:** Gustav Nelson 90 Blossom Lane 28 State House Station, Augusta ME 04333 207-287-6915 gustav.nelson@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:** 36 MRS 5293

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

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

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

**AGENCY: 94-649 Maine Commission on Public Defense Services**

**CHAPTER NUMBER AND TITLE: Chapter 3, Eligibility Requirements for Specialized Case Types**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P316**

**BRIEF SUMMARY:** This proposed rule amendment would amend the reference requirements for attorneys seeking a waiver to become eligible for receiving assignments in specialized case types.

**PUBLIC HEARING** *(if any)*: December 17, 2024, 1:00 PM via Zoom and Room 500, Burton Cross Building, Augusta

**COMMENT DEADLINE:** December 29, 2024

**CONTACT PERSON FOR THIS FILING:** Jim Billings, Executive Director, MCILS, 154 State House Station, Augusta, ME 04333, (T) 207-287-3254, (F) 207-287-3294, [jim.billings@maine.gov](mailto:jim.billings@maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*: none

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: No fiscal impact

**STATUTORY AUTHORITY FOR THIS RULE:** 4 M.R.S.A. Secs. 1804(2)(B), (2)(G), (3)(E), and (4)(D)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: none

**AGENCY WEBSITE:** <http://www.maine.gov/pds>

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

**AGENCY: 06-096 Department of Environmental Protection**

**CHAPTER NUMBER AND TITLE:**

**Chapter 305 Natural Resources Protection Act – Permit by Rule Standards**

**Chapter 310 Wetlands and Waterbodies Protection**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P317 (Ch. 305); 2024-P318 (Ch. 310)**

**BRIEF SUMMARY:** The Department is proposing to amend the Chapter 305 Natural Resources Protection Act (NRPA) Permit by Rule Standards and the Chapter 310 Wetlands and Waterbodies Protection rules in order to:

* encourage nature-based shoreline stabilization methods using vegetation and biodegradable stabilization materials;
* place appropriate limits on the use of hardened stabilization structures like riprap and seawalls to ensure project impacts are reasonable and to address cumulative impacts; and
* simplify and speed up the permitting process for applicants and the Department.

The proposed rule changes would also implement two laws passed by the 131st Legislature, which allowed for the use of biodegradable stabilization methods for sand dune restoration (P.L. 2023 ch. 97) and allowed for increasing the height of piers, wharves and docks when these structures are replaced through permit by rule (P.L. 2023 ch. 531). Other proposed changes include expanding the non-development activities allowed through permit by rule in coastal sand dune systems, increasing the time limit for processing NRPA permit by rule applications to the statutory timeline of 20 working days, and updating erosion and sedimentation control standards throughout Chapter 305 to reflect current best practices.

**PUBLIC HEARING:** December 19, 2024, 9:00am, Augusta Civic Center (76 Community Dr, Augusta, ME 04330)

**COMMENT DEADLINE:** January 13, 2025, 5:00pm

**CONTACT PERSON FOR THIS FILING:**

Naomi Kirk-Lawlor

17 State House Station

Augusta, Me 04333

Phone: 207-287-7844

[naomi.kirk-lawlor@maine.gov](mailto:naomi.kirk-lawlor@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:** 38 M.R.S. Sec. 341-H; 38 M.R.S. Sec. 344(7); P.L. 2023 ch. 97 Sec. 2, *An Act to Improve Coastal Sand Dune Restoration Projects*; P.L. 2023 ch. 531 Sec. 5, *An Act to Amend the Natural Resources Protection Act to Enhance the State's Ability to Respond to and Prepare for Significant Flood Events and Storm Surge*

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

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

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov)

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

**CHAPTER NUMBER AND TITLE: 575 Permitting of Solar Energy Development on High-Value Agricultural Land**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P234**

**BRIEF SUMMARY:** This rule chapter establishes the procedures of a permitting program for solar energy developments on high-value agricultural land; defines “high-value-agricultural land” and “dual-use agricultural and solar production;” and establishes tiers of high-value agricultural land with variable compensation ratios that will be calculated by and paid to DEP, but placed in a fund for DACF.

**PUBLIC HEARING** *(if any)*: N/A

**2nd COMMENT DEADLINE:** 12/26/2024

**CONTACT PERSON FOR THIS FILING:** Caitlyn Cooper, Environmental Licensing Supervisor, 90 Blossom Lane, Augusta, Maine 04333, (207) 408-5644 (telephone), [Caitlyn.Cooper@maine.gov](mailto:Caitlyn.Cooper@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:** [38 MRS Sec.3202](https://legislature.maine.gov/statutes/38/title38sec3202.html) P.L. 2023, Ch. 448

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

**AGENCY WEBSITE:** <https://www.maine.gov/dacf/index.shtml>

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

**ADOPTIONS**

**AGENCY: 10-144 Department of Health and Human Services, Division of Licensing and Certification**

**CHAPTER NUMBER AND TITLE:** **10-144 CMR Ch. 500, Rules Governing the Maine Certification of Healthcare Cooperative Agreements**

**ADOPTED RULE NUMBER: 2024-261**

**CONCISE SUMMARY:**

This rule previously was in place to provide a voluntary procedure for state review and continuing supervision of cooperative agreements through the issuance of a certificate of public advantage. This repeal is necessary to comply with PL 2023 c. 37, An Act to Repeal the Hospital and Health Care Provider Cooperation Act, which repealed 22 MRS Ch. 405-A, effective 10/25/23. This rule is being repealed only and will not be replaced.

**EFFECTIVE DATE: Sunday, November 24, 2024**

**AGENCY CONTACT PERSON:**

NAME: Jonathan Leach

ADDRESS: 41 Anthony Ave, Augusta, ME 04344

TELEPHONE: (207) 287-5825

E-MAIL ADDRESS: [jonathan.h.leach@maine.gov](mailto:jonathan.h.leach@maine.gov)

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

**AGENCY: 16-227 Department of Public Safety, Maine Criminal Justice Academy Board of Trustees**

**CHAPTER NUMBER AND TITLE: Chapter 15: Standards of Conduct**

**ADOPTED RULE NUMBER: 2024-262**

**CONCISE SUMMARY:**

This chapter establishes standards of conduct for certificate holders or applicants for a certificate issued by the Maine Criminal Justice Academy Board of Trustees, the violation of which will constitute grounds for imposing discipline pursuant to 25 M.R.S. Sec. 2806-A(5)(M).

**EFFECTIVE DATE: Sunday, November 24, 2024**

**AGENCY CONTACT PERSON**:

Assistant Director Lincoln Ryder

AGENCY NAME: Maine Criminal Justice Academy

ADDRESS: 15 Oak Grove Road, Vassalboro, ME 04989

TELEPHONE: Office phone: 207-877-8008, Fax: 207-877-8027

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

**CHAPTER NUMBER AND TITLE: Chapter 32 – Rules Relating to Games of Chance**

**ADOPTED RULE NUMBER: 2024-263**

**CONCISE SUMMARY:**

The proposed rule change will repeal the rule located in Chapter 32, section 4(6)(F). Operators of games of chance have expressed confusion about the rule to Unit staff. Operators are unsure whether the rule prohibits or allows the posting of all awards offered during a game. Repealing the rule will eliminate this confusion and clearly show that operators may post/advertise all awards offered to game participants.

**EFFECTIVE DATE**: **Sunday, November 24, 2024**

**AGENCY CONTACT PERSON:**

Milton Champion

AGENCY NAME: Gambling Control Board

ADDRESS: 45 Commerce Blvd., Augusta Maine 04333

TELEPHONE: 207-626-3901

**AGENCY: 15-215 Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans’ Services (15-215)**

**CHAPTER NUMBER AND TITLE: 15-215 Chapter 4 Expanded Burial Eligibility in the Maine Veterans’ Memorial Cemetery System**

**ADOPTED RULE NUMBER: 2024-265**

**CONCISE SUMMARY:**

The Maine Veterans Memorial Cemetery System has updated its burial eligibility to include certain former National Guard and Reserve Service Members and their family members. This eligibility expansion follows the federal 'Burial Equity for Guards and Reserves Act of 2021,' which authorizes National Guard and Reserve Service Members to be buried in state veterans' cemeteries at the discretion of individual states, even if they did not meet federal qualifying service period. LD 619, also known as 'An Act Regarding Eligibility for the Maine Veterans' Memorial Cemetery System,' granted National Guard and Reserve Service Members the right to be interred in the Maine Veterans' Memorial Cemetery System at the state level and gave the department authority to develop necessary implementation rules.

**EFFECTIVE DATE: Saturday, November 30, 2024**

**AGENCY CONTACT PERSON:** Steven Lanning

AGENCY NAME: Maine Bureau of Veterans’ Services

ADDRESS: 117 State House Station, Augusta, Maine 04333

TELEPHONE: 207-430-7020

**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.**