**State of Maine: Notice of Agency Rulemaking – November 23, 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: **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-P214**

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

PUBLIC HEARING: N/A

COMMENT DEADLINE: December 23, 2022

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

COPIES AVAILABLE ON AGENCY WEBSITE AT: <https://www.maine.gov/dps/gamb-control/>.

DPS WEBSITE: <https://www.maine.gov/dps/>.

DPS RULEMAKING LIAISON: [Paul.F.Cavanaugh@Maine.gov](mailto:Paul.F.Cavanaugh@Maine.gov).

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

CHAPTER NUMBERS AND TITLES:

**Ch. 143**, New Source Performance Standards (NSPS)

**Ch. 144**, National Emission Standards for Hazardous Air Pollutants (NESHAP)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBERS: **2022-P215, P216**

BRIEF SUMMARY: These existing rules will be amended to incorporate by reference new and amended New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) that have been added between July 1, 2013, and July 1, 2022, and for which the Department has chosen to take delegation. The *Clean Air Act* offers states the option of accepting delegation for NSPS and NESHAPS federal requirements for incorporation into state regulatory programs to streamline the air emission licensing processes. Maine's State Implementation Plan (SIP) provides for partial or complete delegation of the EPA Administrator's authorities and responsibilities to implement and enforce the NSPS and NESHAPS.

PUBLIC HEARING: December 15, 2022, 9:00 a.m., Augusta Civic Center, 76 Community Drive, Augusta, Maine.

COMMENT DEADLINE: December 27, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Lisa Higgins, Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7023. Email: [Lisa.Higgins@Maine.gov](mailto:Lisa.Higgins@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: N/A

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §585-A; 38 MRS §585-B; 38 MRS §341-H

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

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 533** *(New)*, Operations, Maintenance, and Asset Management Standards for Publicly Owned Treatment Works and Municipal Satellite Collection Systems

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2022-P217**

BRIEF SUMMARY: This proposed new rule establishes standards for the operations, maintenance and asset management for publicly owned treatment works (POTW) and municipal satellite collection systems (MSCS) in Maine.

PUBLIC HEARING: December 15, 2022, 9:00 a.m., Augusta Civic Center, 76 Community Drive, Augusta, Maine.

COMMENT DEADLINE: December 27, 2022.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Matthew Hight, DEP, 17 State House Station, Augusta, ME 04333. Telephone: (207) 719-0703. Email: [Matt.Hight@Maine.gov](mailto:Matt.Hight@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Many of these facilities already have the programs in place. It is the Department’s intent that developing the required asset management and operations and maintenance programs could be done with existing resources. The cost of having one prepared by a consultant, which is not required, could range from $25,000 to $250,000 depending on the size and complexity of the POTW or MSCS. Any costs could be spread over 7 years, and in the long run improved planning could lead to more cost-effective operations and fiscal sustainability.

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §414-B(5)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A

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

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

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

CHAPTER NUMBER AND TITLE: **Ch. 600**, Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminals, Transportation Pipelines and Vessels

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P218**

BRIEF SUMMARY: The Department is proposing to amend the existing 06-096 CMR 600, “Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminals, Transportation Pipelines and Vessels”. This rule establishes standards for the siting, design, operation, and closure of marine oil terminals, transportation pipelines, and vessels. The purpose of this rulemaking is to update the existing rules to more current standards, improve the protectiveness of the rule, make administrative changes, incorporate statutory changes, and include design, operation and planning for climate change.

PUBLIC HEARING: December 15, 2022 - 9:00 a.m., Augusta Civic Center, Augusta

COMMENT DEADLINE: December 29, 2022 - 5 p.m.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Stacy Ladner, Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017. Telephone: (207) 287-7688; (800) 452-1942. Email: [Stacy.A.Ladner@Maine.gov](mailto:Stacy.A.Ladner@Maine.gov).

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

STATUTORY AUTHORITY FOR THIS RULE: 38 MRS §546(4)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: 38 MRS §546(4)(E-1) and (E-2), §542(4-B), §552-B

AGENCY WEBSITE: <https://www.maine.gov/dep/bep/information.html>.

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

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI) - Division of Support Enforcement and Recovery (DSER)**

CHAPTER NUMBER AND TITLE: **Ch. 351**, Maine Child Support Enforcement Manual: **Ch. 6**, Child Support Guidelines

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P219**

BRIEF SUMMARY: The proposal updates the State of Maine Child Support Guidelines Table based on current economic data in accordance with 45 CFR §302.56. This regulation requires states to “review and revise, if appropriate” their child support guidelines at least every four years “to ensure that their application results in the determination of appropriate child support award amounts.” With the assistance of the Division of Support Enforcement and Recovery, an economist from the Center for Policy Research made recommendations for updating the guidelines table based upon an analysis of current economic data and Maine child support case file data. The report, *Review of the Maine Child Support Guidelines* (November 2022) is available on the Division of Support Enforcement and Recovery’s website at <https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/2022%20Guidelines%20Review.pdf>. The proposal also removes outdated, prefatory language from the current rule.

See <https://www.maine.gov/dhhs/ofi/about-us/rules/dser-proposed> for rule and related rulemaking documents.

PUBLIC HEARING: December 14, 2022, at 1:00 p.m. *The Department of Health and Human Services, Division of Support Enforcement and Recovery, will conduct an audio-visual online only public hearing.* *Instructions for registering and attending the hearing remotely, by audio-visual link or telephone, are on the Division of Support Enforcement and Recovery’s website at:* [*https://www.maine.gov/dhhs/ofi/programs-services/child-support-services*](https://www.maine.gov/dhhs/ofi/programs-services/child-support-services).

COMMENT DEADLINE: Wednesday, December 30, 2022, 12:59 p.m. by mail or email to the Contact Person.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT STATEMENT: Gregory J. Garneau, Staff Attorney, Department of Health and Human Services, Office for Family Independence - Division of Support Enforcement and Recovery, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-6983. Fax: (207) 287-6883. TT Users Call Maine Relay – 711. Email: [Gregory.J.Garneau@Maine.gov](mailto:Gregory.J.Garneau@Maine.gov).

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None.

STATUTORY AUTHORITY FOR THIS RULE: 22 MRS §42(1); 19-A MRS §2011

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: 45 CFR §302.56

AGENCY WEBSITE: <https://www.maine.gov/dhhs/ofi/programs-services/child-support-services>.

DHHS WEBSITE: <https://www.maine.gov/dhhs/>.

DHHS RULEMAKING LIAISON: [Sara.Gagne-Holmes@Maine.gov](mailto:Sara.Gagne-Holmes@Maine.gov).

**ADOPTIONS**

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

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.06**, Registration, Data Collection and Tagging of Big Game and Furbearing Animals

ADOPTED RULE NUMBER: **2022-225**

CONCISE SUMMARY: The Commissioner of Inland Fisheries and Wildlife has adopted rules to allow hunters, beginning with the Spring 2023 wild turkey hunting season, to register wild turkeys electronically. Hunters will be required to attach a tag bearing the seal number issued by the electronic registration system until the turkey is processed and packaged for consumption. The rule also clarifies that if a wild turkey is registered electronically, all radio transmitters must be submitted, or arranged for submission, to the Department within 5 days. Any leg bands or wing tags can be retained by the hunter after reporting and following approval by the Department. A copy of the complete rule can be requested from the Agency Contact Person.

EFFECTIVE DATE: November 22, 2022

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: [Becky.Orff@Maine.gov](mailto:Becky.Orff@Maine.gov).

AGENCY: **65-407 – Maine Public Utilities Commission (MPUC)**

CHAPTER NUMBER AND TITLE: **Ch. 886** *(Repeal)*, Energy Infrastructure Corridors

ADOPTED RULE NUMBER: **2022-226**

CONCISE SUMMARY: The Public Utilities Commission repeals Ch. 886 of the Commission's Rules (65-407 CMR ch. 886), which had set forth rules governing the designation and use of energy infrastructure corridors, because the Commission no longer regulates these matters, as the law was relating to energy infrastructure corridors was repealed.

EFFECTIVE DATE: November 26, 2022

AGENCY CONTACT PERSON: Jordan McColman, Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-1365. Email: [Jordan.McColman@Maine.gov](mailto:Jordan.McColman@Maine.gov).

MPUC WEBSITE: <https://www.maine.gov/mpuc/>.

MPUC RULEMAKING LIAISON: [Deirdre.Schneider@Maine.gov](mailto:Deirdre.Schneider@Maine.gov)