**State of Maine: Notice of Agency Rulemaking – December 28, 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: **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** *(2nd publication)*

BRIEF SUMMARY: The Department is proposing to amend the existing 06-096 CMR Ch. 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. A public hearing on this proposal was held on December 15, 2022, at the Augusta Civic Center. The comment period for written comment on this proposal has been extended to January 13, 2023, 5 p.m.

NEW PUBLIC HEARING: N/A

COMMENT DEADLINE: January 13, 2023, 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.

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.

AGENCY: **94-649 - Maine Commission on Indigent Legal Services (MCILS)**

CHAPTER NUMBER AND TITLE: **Ch. 4**, Caseload Standards for Assigned Counsel and Contract Counsel

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P234**

BRIEF SUMMARY: This proposed rule will establish caseload standards for assigned and contract counsel and a method for tracking and monitoring caseloads on an ongoing basis.

PUBLIC HEARING: January 17, 2023 - 9:00 a.m. via Zoom only

COMMENT DEADLINE: January 27, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Justin Andrus, Executive Director - MCILS, 154 State House Station, Augusta, ME 04333. Telephone: (207) 287-3254. Fax: (207) 287-3293. Email: Justin.Andrus@Maine.gov.

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

STATUTORY AUTHORITY FOR THIS RULE: 4 MRS §§ 1804(2)(C), (2)(G) and (4)(D)

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

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

MCILS RULEMAKING LIAISON: Eleanor.Maciag@Maine.gov.

AGENCY: **01-001 - Department of Agriculture, Conservation & Forestry (DACF) - Animal Welfare Program**

CHAPTER AND TITLE: **Ch. 702**, Rules for Low Income Spay Neuter Program

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P235**

**BRIEF SUMMARY**: Rule changing to accommodate administration by third party and the addition of feral cats per 7 MRS §3910-B(1-A) Companion Animal Sterilization Fund enacted in 2022, as well as updating program’s payment delivery to providers, increasing program efficiency, and reducing administration costs.

**DETAILED SUMMARY:** These rules provide necessary guidelines for administration of the Help Fix ME (Companion Animal Sterilization Fund) to comply with the requirement of engaging a third-party administrator per 7 MRS §3910-B(1-A)Companion Animal Sterilization Fund enacted earlier this year. Additional rules are required to ensure a suitable administrator will be found and to ensure the effective delivery of the program on behalf of the state.

These rules will also improve delivery of the Help Fix ME (Companion Animal Sterilization Fund programming) to both the public and participant veterinary providers by providing updated and more effective and efficient payment processes and communication processes. These rules allow for methods and modes of service delivery more in line with modern approaches to spay/neuter delivery to low-income clientele. These rules also account for the current shortage of veterinary professionals in the state by specifically including large scale spay/neuter events which have become the primary mode of service delivery to areas of the state most lacking in veterinary capacity for providing Help Fix ME surgeries. They will also allow for feral cats to be spayed and neutered by anyone regardless of income status.

**PUBLIC HEARING**: January 18, 2023, 10 a.m. - 12 p.m., Online/TEAMS Meeting

COMMENT DEADLINE: January 28, 2023

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Ronda Steciuk (Email: Ronda.Steciuk@Maine.gov), Department of Agriculture…, 22 State House Station - 90 Blossom Lane, Augusta, ME 04333. Telephone: (207) 287-5531.

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

STATUTORY AUTHORITY FOR THIS RULE: 7 MRS §3910-B(1-A) (Companion Animal Sterilization Fund)

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

ANIMAL WELFARE WEBSITE: <https://www.maine.gov/dacf/ahw/animal_welfare/>.

DACF WEBSITE: <https://www.maine.gov/dacf/>.

DACF RULEMAKING LIAISON: Shannon.Ayotte@Maine.gov.

**ADOPTIONS**

AGENCY: **01-672** - Department of Agriculture, Conservation & Forestry (DACF), **Maine Land Use Planning Commission (LUPC)**

CHAPTER NUMBER AND TITLE: **Ch. 2***,* Definitions

ADOPTED RULE NUMBER: **2022-249**

CONCISE SUMMARY: The Land Use Planning Commission adopted revisions to improve efficiency and clarity in siting, evaluating, and permitting solar energy generation facilities, in response to increased solar development across the Commission’s service area. The primary objectives of this rulemaking are to define size classes for solar energy generation facilities, and to specify which Land Use Subdistricts will allow solar energy generation facilities. Revisions also clarify existing definitions and standards related to solar energy facilities that qualify as accessory structures.

EFFECTIVE DATE: December 30, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Stacie Beyer, Maine Land Use Planning Commission (LUPC), Department of Agriculture, Conservation and Forestry (DACF), 22 State House Station, Augusta, ME 04333. Telephone: (207) 287-2631. Email: Stacie.R.Beyer@Maine.gov.

LUPC WEBSITE: <https://www.maine.gov/dacf/lupc/index.shtml>.

AGENCY: **01-672** - Department of Agriculture, Conservation & Forestry (DACF), **Maine Land Use Planning Commission (LUPC)**

CHAPTER NUMBER AND TITLE: **Ch. 10***,* Land Use Districts and Standards (Solar Energy Generation Facilities)

ADOPTED RULE NUMBER: **2022-250**

CONCISE SUMMARY: The Land Use Planning Commission adopted revisions to improve efficiency and clarity in siting, evaluating, and permitting solar energy generation facilities, in response to increased solar development across the Commission’s service area. The primary objectives of this rulemaking are to define size classes for solar energy generation facilities, and to specify which Land Use Subdistricts will allow solar energy generation facilities. Revisions also clarify existing definitions and standards related to solar energy facilities that qualify as accessory structures.

EFFECTIVE DATE: December 30, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Stacie Beyer, Maine Land Use Planning Commission (LUPC), Department of Agriculture, Conservation and Forestry (DACF), 22 State House Station, Augusta, ME 04333. Telephone: (207) 287-2631. Email: Stacie.R.Beyer@Maine.gov.

LUPC WEBSITE: <https://www.maine.gov/dacf/lupc/index.shtml>.

AGENCY: **01-672** - Department of Agriculture, Conservation & Forestry (DACF), **Maine Land Use Planning Commission (LUPC)**

CHAPTER NUMBER AND TITLE: **Ch. 10***,* Land Use Districts and Standards (Moosehead Regional Planning)

ADOPTED RULE NUMBER: **2022-251**

CONCISE SUMMARY: The Maine Land Use Planning Commission has adopted amendments to Ch.10, *Land Use Districts and Standards,* to implement actions stemming from the 2020-2022 Moosehead Regional Planning Process. The amendments allow for the modification of Location of Development criteria resulting from regional planning processes addressing the location of development through a balanced and comprehensive process. Specifically, the changes refine the Commission’s application of the Location of Development criteria in the Moosehead region by providing for the removal of ten minor civil divisions from primary and secondary locations, and for the removal of primary locations around certain Management Class 3 lakes in the region. The amendments also reorganize and clarify the section to better distinguish the primary and secondary locations designated based on application of the adjacency principle versus changes made as the result of a balanced and comprehensive regional planning process.

EFFECTIVE DATE: December 30, 2022

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Stacie Beyer, Maine Land Use Planning Commission (LUPC), Department of Agriculture, Conservation and Forestry (DACF), 22 State House Station, Augusta, ME 04333. Telephone: (207) 287-2631. Email: Stacie.R.Beyer@Maine.gov.

LUPC WEBSITE: <https://www.maine.gov/dacf/lupc/index.shtml>.

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

CHAPTER NUMBER AND TITLE: **Ch. 615**, Exemptions from Regulatory Requirements for Consumer-Owned Water Utilities

ADOPTED RULE NUMBER: **2022-252**

CONCISE SUMMARY: The Public Utilities Commission adopted amendments to Ch. 615, *Exemptions from Regulatory Requirements for Consumer Owned Water Utilities*. With these amendments, the Commission expands the methods by which consumer-owned water utilities may provide notice to customers of a pending request for a specific exemption. The Commission is also adopted non-substantive editorial amendments to the rule

EFFECTIVE DATE: December 26, 2022

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

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

MPUC RULEMAKING LIAISON: Deirdre.Schneider@Maine.gov.

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

CHAPTER NUMBER AND TITLE: **Ch. 616** *(New)*, Specific Exemptions from Regulatory Requirements for Consumer-Owned Water Utilities

ADOPTED RULE NUMBER: **2022-253**

CONCISE SUMMARY: The Public Utilities Commission adopted a new rule, Ch. 616, *Specific Exemptions from Regulatory Requirements for Consumer Owned Water Utilities*. In this rule, the Commission exempts consumer-owned water utilities from the newspaper publication requirements in 35-A MRS §§ 6104 & 6104-A. The Commission also intends to include future generally applicable exemptions granted by Commission order in this rule.

EFFECTIVE DATE: December 26, 2022

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

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

MPUC RULEMAKING LIAISON: Deirdre.Schneider@Maine.gov.

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

CHAPTER NUMBER AND TITLE: **Ch. 620** *(formerly Ch. 62)*, Service Standards for Water Utilities

ADOPTED RULE NUMBER: **2022-254**

CONCISE SUMMARY: The Public Utilities Commission adopts amendments to Ch. 620, *Service Standards for Water Utilities* (formerly Ch. 62). The amendments add provisions for Maine’s water utilities to more effectively respond to water supply emergencies, better reflect modern metering technology and make changes to sections which cover service lines, seasonal service, service interruptions, low pressure areas, and conditions of service. In addition, the designation of the rule from Ch. 62 to Ch. 620 is adopted to conform with the Commission’s current rule organization conventions. The adopted amendments to Ch. 620 also include other non-substantive editorial amendments.

EFFECTIVE DATE: December 26, 2022

AGENCY CONTACT PERSON: Jordan McColman, Maine Public Utilities Commission, 18 State House Station, Augusta, Maine 04333. Telephone: (207) 287-3831. Email: Jordan.D.McColman@Maine.gov.

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

MPUC RULEMAKING LIAISON: Deirdre.Schneider@Maine.gov.

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission** **(MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #01-23**

ADOPTED RULE NUMBER: **2022-255** *(Emergency)*

CONCISE SUMMARY: Minimum January 2023 Class I price is $25.66/cwt. plus $1.58/cwt. for Producer Margins, an over-order premium of $1.04/cwt. as being prevailing in Southern New England and $0.47/cwt. handling fee for a total of $28.95/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: January 1, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission – DACF, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: Julie-Marie.Bickford@Maine.gov.

MMC WEBSITE: <https://www.maine.gov/dacf/milkcommission/index.shtml>.

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

CHAPTER NUMBER AND TITLE: **Ch. 305**, Natural Resource Protection Act – Permit by Rule

ADOPTED RULE NUMBER: **2022-256** *(Routine Technical)*

CONCISE SUMMARY: The existing rule has been amended by adding a new section 16-B to allow certain beach nourishment and dune restoration or construction activities in coastal sand dunes to qualify for *Natural Resource Protection Act (NRPA)* permit by rule. The rule revision also allows for planting native dune vegetation by hand with a NRPA permit by rule.

EFFECTIVE DATE: December 27, 2022

AGENCY CONTACT PERSON: Naomi Kirk-Lawlor, DEP, 17 State House Station, Augusta, Me 04333. Telephone: (207) 287-7844. Email: Naomi.Kirk-Lawlor@Maine.gov.

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

DEP RULEMAKING LIAISON: Mark.T.Margerum@Maine.gov.

AGENCY: **02-380 - State Board of Nursing** (*affiliated with the* Department of Professional and Financial Regulation - PFR)

CHAPTER NUMBER AND TITLE: **Ch. 5**, Regulations Relating to Training Programs and Delegation by Registered Professional Nurses of Selected Nursing Tasks to Certified Nursing Assistants

ADOPTED RULE NUMBER: **2022-257**

CONCISE SUMMARY The State Board of Nursing adopted amendments to an existing rule regarding training programs and delegation by registered professional nurses of selected nursing tasks to certified nursing assistants to align with changes in the Certified Nursing Assistant – Medication (CNA-M) curriculum.

EFFECTIVE DATE: January 1, 2023

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Jessica A. Richardson, Assistant Executive Director, State Board of Nursing, 158 State House Station, Augusta, ME 04333-0158. Telephone: (207) 287-1147. Email: Jessica.A.Richardson@Maine.gov.

BOARD WEBSITE: <https://www.maine.gov/boardofnursing/>.