**State of Maine: Notice of Agency Rulemaking – February 21, 2024**

**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: **12-172 -** Department of Labor, **Bureau of Unemployment Compensation**

CHAPTER NUMBER AND TITLE: **Ch. 24,** Approved Trainings

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2023-210** (3rd publication)

BRIEF SUMMARY: The amendments to the Rule update and clarify the criteria and procedure for approved training, which waives the eligibility requirements to be able and available for work and to search for work. The Rule is being reposted with additional changes.

PUBLIC HEARING: None

COMMENT DEADLINE**: Monday, March 25, 2024 Rule is being reposted based on public comment.**

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Phone: 207-626-6232. Email: Isaac.H.Gingras@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 26 M.R.S. §§1082 and 1192 (6) and (6-C)

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

AGENCY WEBSITE: <http://www.maine.gov/labor/rehab/dod>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Isaac.H.Gingras@maine.gov

AGENCY: **17-229 - Department of Transportation**

CHAPTER NUMBER AND TITLE: **Ch. 602,** Rules Relating to Maine State Ferry Service Tolls

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P060**

BRIEF SUMMARY: This Rule revises the tolls for the use of the Maine State Ferry Service set forth in Schedule A of existing Chapter 602.

PUBLIC HEARING: March 12, 2024, 12:00 Noon

Samoset Resort, 220 Warrenton Street, Rockport, Maine 04856

Live Stream, Post-Hearing Viewing, and Comments: [https://storymaps.arcgis.com/stories/108b1ecc7d64416cb72e066626bc4d5d](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fstorymaps.arcgis.com%2Fstories%2F108b1ecc7d64416cb72e066626bc4d5d&data=05%7C02%7CMary.Bryant%40maine.gov%7Cfd08631a4c744745d79b08dc2bdbd86d%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C638433470427749648%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=5QpIPCVKRvJu9Wsllpd4lw5rMdoosLOt5GAr%2FOtPKS4%3D&reserved=0)

COMMENT DEADLINE: March 22, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Anne M. Paré, Chief Counsel, Maine Department of Transportation, 16 State House Station, Augusta, Maine 04333. Email: Anne.M.Pare@maine.gov Telephone: (207) 624-3020, Fax: (207) 624-3021, TTY: Maine Relay 711

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

STATUTORY AUTHORITY FOR THIS RULE: 23 M.R.S. §52; 23 M.R.S. §4404

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Anne.M.Pare@maine.gov

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

CHAPTER NUMBER AND TITLE: **Ch. 16,** Hunting: **16.11,** Migratory Game Bird Hunting

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P061**

BRIEF SUMMARY: The Commissioner of Inland Fisheries and Wildlife is proposing to amend Chapter 16.11 rules pertaining to season dates and bag limits for the hunting of ducks, geese, and other migratory game birds. The proposal is similar to the previous year’s final season framework with two notable changes. The first notable proposed change is reducing the daily bag limit for eiders from 3 to 2. This recommended change comes from concerns of seeing fewer eiders along the coast in the winter over the last few years. The second notable proposed change is for the first segment of the coastal waterfowl hunting zone to begin on Saturday, October 5th. Traditionally, the season would start on October 1st. Starting the season on October 5th and ending on the following Saturday would provide two Saturdays of waterfowl hunting in this zone in the first segment. Proposed season dates and bag limits for Brant are pending USFWS winter 2024 surveys and were not available prior to this notice being advertised. A complete copy of the proposed rule may be obtained from the agency contact person.

PUBLIC HEARING: Tuesday, March 12, 2024 @ 4:00pm – Inland Fisheries & Wildlife, 353 Water Street, Room 400, Augusta

COMMENT DEADLINE: March 22, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Becky Orff, Inland Fisheries & Wildlife, 41 State House Station, 353 Water Street, Augusta, ME 04333; Telephone: 207-287-5202; Email: Becky.Orff@maine.gov

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

STATUTORY AUTHORITY FOR THIS RULE: 12 MRSA, Sections 10104 and 11855

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Becky.Orff@maine.gov

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

CHAPTER NUMBER AND TITLE: **Ch. 2,** Standards for Qualifications of Assigned Counsel

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2024-P062**

BRIEF SUMMARY: The Rule amends the MCILS standards for attorney eligibility to provide indigent legal services by expanding proficiency requirements, adding grounds for the Executive Director to deny an attorney eligibility, and broadening the bases for suspension or removal. The new standards require attorneys to be knowledgeable of the applicable law, the Maine Rules of Evidence, the Maine Rules of Professional Conduct, and possess basic technological literacy skills. The Rule grants the Executive Director the discretion to deny an attorney eligibility based on specific factors, or if the Executive Director concludes that the attorney is unfit to provide high-quality indigent legal services. The Rule requires that all attorneys who are eligible to receive case assignments at the time the Rule is adopted must complete an application to demonstrate that they are in compliance with the new eligibility standards no later than July 15, 2024.

PUBLIC HEARING: March 11, 2024, 1:00 pm in Room 500, Burton Cross Building, Augusta and on Zoom.

COMMENT DEADLINE: March 22, 2024

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Jim Billings, Executive Director, 154 State House Station, Augusta, ME 04333, 207-287-3254, fax 207-287-3293, Email: Jim.Billings@maine.gov

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

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

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

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

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Jim.Billings@maine.gov

**ADOPTIONS**

AGENCY: **02-280 -** Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, **Board of Accountancy**

CHAPTER NUMBER AND TITLE: Ch. 3, Examination Requirements

ADOPTED RULE NUMBER: **2024-034**

CONCISE SUMMARY: The rule changes the length of time, referred to as the “rolling window,” during which a candidate must complete all sections of the Uniform CPA Examination from eighteen (18) months to thirty (30) months.

 The rule applies to any candidates who have received approval to sit for the Uniform CPA Examination by CPA Examination Services, a division of the National Association of State Boards of Accountancy (CPAES), as of the effective date of the rule.

EFFECTIVE DATE:

AGENCY CONTACT PERSON:Kristin Racine, Department of Professional and Financial Regulation, Board of Accountancy, 35 State House Station, Augusta, ME 04333-0035. TELEPHONE: 207-624-8615.

AGENCY WEBSITE:

<https://www.maine.gov/pfr/professionallicensing/professions/accountancy>
EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kristin.Racine@maine.gov

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

CHAPTER NUMBER AND TITLE: **Ch. 526,** Cooling Water Intake Structures

ADOPTED RULE NUMBER: **2024-035**

CONCISE SUMMARY: Chapter 526 establishes requirements that apply to cooling water intake structures at new and existing facilities that are subject to section 316(b) of the Clean Water Act (CWA), 33 U.S.C. § 1326(b) These requirements include standards for minimizing adverse environmental impact associated with the use of cooling water intake structures and required procedures (e.g., permit application requirements, information submission requirements) for establishing the appropriate technology requirements at certain specified facilities as well as monitoring, reporting, and record keeping requirements to demonstrate compliance. These requirements are to be established and implemented in Maine Pollutant Discharge Elimination System (MEPDES) permits issued under the State’s delegated authority under the CWA.

EFFECTIVE DATE: February 20, 2024

AGENCY CONTACT PERSON: Matthew Hight, Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017. Telephone: 207-719-0703. Email: Matt.Hight@maine.gov

AGENCY WEBSITE: <https://www.maine.gov/dep/>
EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Mark.T.Margerum@maine.gov