**State of Maine: Notice of Agency Rulemaking – August 24, 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: **65-407 – Maine Public Utilities Commission (MPUC)**

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P158**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking to amend Ch. 615: *Exemptions from Regulatory Requirements for Consumer Owned Water Utilities*. With these amendments, the Commission proposes to expand 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 proposing non-substantive editorial amendments to the rule.

PUBLIC HEARING: No public hearing. *The Commission does not plan to hold a public hearing on the proposed rule; however, pursuant to 5 MRS §8052(1), the Commission will schedule a public hearing in this matter if requested by five interested persons. Such requests must be filed in the above captioned Docket using the Commission's Case Management System (CMS) no later than Wednesday, August 31, 2022.*

COMMENT DEADLINE: September 30, 2022. Any person may file substantive written comments on the proposed rule in CMS in the above captioned Docket no later than Friday, September 30, 2022. All comments will appear in CMS. Commenters should refer to Docket No. 2022-00237 when submitting comments.

MPUC CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION: Jordan McColman, Public Utilities Commission, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1365. Email: Jordan.D.McColman@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35‑A MRS §6114

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

MPUC WEBSITE: [www.maine.gov/mpuc](http://www.maine.gov/mpuc).

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@Maine.gov.

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

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P159**

BRIEF SUMMARY: The Public Utilities Commission initiates a rulemaking to promulgate Ch. 616, “Specific Exemptions from Regulatory Requirements for Consumer Owned Water Utilities”. In this rule, the Commission proposes to exempt consumer-owned water utilities from the newspaper publication requirements in 35-A MRS §§ 6104 & 6104-A. The Commission also proposes that future generally applicable exemptions granted by Commission order be contained in this rule.

PUBLIC HEARING: No public hearing. *The Commission does not plan to hold a public hearing on the proposed rule; however, pursuant to 5 MRS §8052(1), the Commission will schedule a public hearing in this matter if requested by five interested persons. Such requests must be filed in the above captioned Docket using the Commission's Case Management System (CMS) no later than Wednesday, August 31, 2022.*

COMMENT DEADLINE: September 30, 2022. Any person may file substantive written comments on the proposed Rule in CMS in the above captioned Docket no later than Friday, September 30, 2022. All comments will appear in CMS. Commenters should refer to Docket No. 2022-00243 when submitting comments.

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35‑A MRS §6114

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

MPUC WEBSITE: [www.maine.gov/mpuc](http://www.maine.gov/mpuc).

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@Maine.gov.

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

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

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P160**

BRIEF SUMMARY: The Public Utilities Commission proposes to repeal Ch. 886 of the Commission's rules (65-407 CMR Ch. 886), which sets forth rules governing the designation and use of energy infrastructure corridors, because the Commission no longer regulates these matters.

PUBLIC HEARING: No public hearing has been scheduled, but one will be held if requested by any five interested persons. *To request a public hearing, interested persons must notify the Administrative Director, either by making a filing in the Commission’s Case Management System (CMS) in Docket No. 2022-00222 or by mail to Public Utilities Commission, 18 State House Station, Augusta, ME 04333-0018. Requests for a public hearing must be received by the Commission on or before August 31, 2022.*

COMMENT DEADLINE: September 30, 2022. Written comments may be filed in CMS in Docket No. 2022-00222 no later than September 30, 2022. All comments will appear in CMS.

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Jordan McColman, Public Utilities Commission, 18 State House Station, Augusta, ME 04333. Telephone: (207) 287-1365. Email: Jordan.D.McColman@Maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 35-A MRS §§ 104, 111, 122

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

MPUC WEBSITE: [www.maine.gov/mpuc](http://www.maine.gov/mpuc).

MPUC RULEMAKING LIAISON: Jamie.A.Waterbury@Maine.gov.

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 52**, Atlantic Mackerel

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2022-P161**

BRIEF SUMMARY: This rulemaking proposes to establish a 20-fish per person per day recreational take and possession limit for Atlantic mackerel. Atlantic mackerel caught on a recreational, party, or charter vessel can be pooled in one or more containers; compliance with the 20-fish limit will be determined by dividing the number of Atlantic mackerel onboard by the number of persons onboard. Atlantic mackerel caught recreationally may be communally stored in dockside bait pens. Mackerel purchased from a lawful bait dealer with proof of receipt do not count towards the 20 fish possession limit. Similarly, chunked frozen mackerel do not count towards the 20 fish limit. Individuals who hold a commercial pelagic and anadromous fishing license are exempt from the possession and take limit. Further, the possession limit does not apply to several commercial licenses including lobster and crab fishing licenses, finfish licenses, and wholesale and retail licenses issued by the Maine Department of Marine Resources.

PUBLIC HEARING: September 12, 2022, 5:00 p.m., *in-person at the Marquardt Building, Room 118, 32 Blossom Lane, Augusta; or remotely via Microsoft Teams. Remote access information is posted to DMR’s website under “Meetings.”* Hearing facilities: *If you require accommodations due to disability, please contact Meredith Mendelson at (207) 624-6553.*

COMMENT DEADLINE: September 22, 2022

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Amanda Ellis, DMR, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 624-6500 (Deaf/Hard of Hearing). Email: dmr.rulemaking@maine.gov.

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: Same

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>.

DMR RULEMAKING LIAISON: Deirdre.Gilbert@Maine.gov.

**ADOPTIONS**

AGENCY: **16-219 -** Department of Public Safety (DPS), **Office of State Fire Marshal (FMO)**

CHAPTER NUMBER AND TITLE: **Ch. 27** *(Repeal)*, Rules and Regulations Governing the Tents and Equipment of Circuses and Traveling Amusement Shows

ADOPTED RULE NUMBER: **2022-152**

CONCISE SUMMARY: Ch. 27 is being repealed in its entirety. The rule regulated the use of tents and other equipment of circuses and traveling amusement shows. The content however has become outdated and relevant content has been incorporated into other rules.

EFFECTIVE DATE: August 23, 2022

FMO CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING LIAISON: Richard E. Taylor, Office of the Maine State Fire Marshal, 52 State House Station, Augusta, ME 04333. Telephone: (207) 626-3873. Email: Richard.E.Taylor@Maine.gov.

FMO WEBSITE: <https://www.maine.gov/dps/fmo/>.

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services - Taxation)**

CHAPTER NUMBER AND TITLE: **Ch. 207**, Controlling Interest Transfers (*formerly* Real estate Transfers)

ADOPTED RULE NUMBER: **2022-153**

CONCISE SUMMARY: Rule 207 explains Maine law on the application of the real estate transfer tax under 36 MRS Ch. 711-A to the transfer or acquisition of a controlling interest in an entity that owns real property located in Maine. MRS is repealing and replacing Rule 207 (“Real Estate Transfers”) to replace the current format that relies heavily on examples, to a narrative explanation of the law. Changes also include a more consistent approach to use of terms, an in-depth explanation of complex issues, and an approach that improves readability.

EFFECTIVE DATE: August 24, 2022

BUREAU CONTACT PERSON / RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 51 Commerce Drive – 24 State House Station, Augusta, Maine 04333. Telephone: Telephone: (207) 624-9712. Email: Alexander.J.Weber@Maine.gov.

MRS WEBSITE: <https://www.maine.gov/revenue/>.

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services - Taxation)**

CHAPTER NUMBER AND TITLE: **Ch. 208**, Guidelines for Professional Assessing Firms that Provide Revaluation Services to Municipalities (*formerly* Revaluation Guidelines)

ADOPTED RULE NUMBER: **2020-154**

CONCISE SUMMARY: Rule 208 explains the requirements for professional assessing firms that provide revaluation services to municipalities in Maine. The rule is being amended to replace obsolete procedures, provide a more consistent approach to explanations, and to improve readability.

EFFECTIVE DATE: August 24, 2022

BUREAU CONTACT PERSON / RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 51 Commerce Drive – 24 State House Station, Augusta, Maine 04333. Telephone: Telephone: (207) 624-9712. Email: Alexander.J.Weber@Maine.gov.

MRS WEBSITE: <https://www.maine.gov/revenue/>.

AGENCY: **18-125** - Department of Administrative and Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services - Taxation)**

CHAPTER NUMBER AND TITLE: **Ch. 211** *(New)*, Deferred Collection of Homestead Property Taxes

ADOPTED RULE NUMBER: **2022-155**

CONCISE SUMMARY: The Deferred Collection of Homestead Property Taxes Program, 36 MRS §§ 6250-6266, (the “Deferral Program”) allows seniors and disabled resident homeowners to defer property tax on their primary residence if they meet certain criteria. The rule explains the disability qualification portion of the Deferral Program.

EFFECTIVE DATE: August 24, 2022

BUREAU CONTACT PERSON / RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 51 Commerce Drive – 24 State House Station, Augusta, Maine 04333. Telephone: Telephone: (207) 624-9712. Email: Alexander.J.Weber@Maine.gov.

MRS WEBSITE: <https://www.maine.gov/revenue/>.

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 #09-22**

ADOPTED RULE NUMBER: **2022-156** *(Emergency)*

CONCISE SUMMARY: Minimum September 2022 Class I price is $26.87/cwt. plus $1.58/cwt. for Producer Margins, an overorder premium of $1.04/cwt. as being prevailing in Southern New England, and $0.47/cwt. handling fee for a total of $30.16/cwt. that includes a $0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: September 4, 2022

MMC CONTACT PERSON / RULEMAKING LIAISON: Julie-Marie R. Bickford, Maine Milk Commission, 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>.