**State of Maine: Notice of Agency Rulemaking: Wednesday, December 25, 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: 18-125 Department of Administrative and Financial Services (DAFS), Maine Revenue Services (MRS)**

**CHAPTER NUMBER AND TITLE: Chapter 104, Filing of Maine Tax Returns**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P329**

**BRIEF SUMMARY:** Maine Revenue Services is proposing to amend Rule 104 (“Filing of Maine Tax Returns”) to impose an electronic filing requirement on certain taxpayers and tax return preparers filing Form REW-5 (Request for Exemption or Reduction in Withholding of Maine Income Tax on the Disposition of Maine Real Property) on or after July 1, 2025, Maine income tax returns for trusts and estates after 2025, and partnership reports of federal adjustments after 2025. A waiver from the electronic filing requirement may be obtained if the requirement causes undue hardship. The proposed amended rule also makes certain other technical changes for clarification.

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

**COMMENT DEADLINE:** Tuesday, January 28, 2025

**CONTACT PERSON FOR THIS FILING:** Alex Weber, Office of General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024, (207) 624-9712, alexander.j.weber@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 M.R.S. Sec. 112

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

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

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** Anya.Trundy@maine.gov

**AGENCY: 29-250 Department of Secretary of State**

**CHAPTER NUMBER AND TITLE: Ch. 505, Voter List Maintenance Procedures**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P292**

**BRIEF SUMMARY:** This rule was proposed by private citizens in a petition signed by 150 or more registered voters. Under 5 M.R.S. Sec. 8055, the Department of Secretary of State is required to initiate rulemaking proceedings and invite public comment on the proposed rule. The proposed rule would repeal and replace the current rule governing maintenance of voter registration records under the National Voter Registration Act of 1993. The proposed rule would impose on municipal registrars new and modified requirements relating to voter list maintenance and the cancellation of ineligible voters. The rule would also create new standards for registrars to determine whether persons seeking to register to vote are qualified voters.

**PUBLIC HEARING:** January 16, 2025, 1-3 p.m., Room 400, Burton Cross Building, 111 Sewall Street, Augusta. Persons unable to attend in person may participate virtually by emailing [melissa.packard@maine.gov](mailto:melissa.packard@maine.gov) to request a Zoom webinar invitation.

**COMMENT DEADLINE:** January 31, 2025 (extended from December 15, 2024)

**CONTACT PERSON FOR THIS FILING**: Melissa Packard, Director of Elections, Bureau of CEC, 184 State House Station Augusta, Maine 04333-0184. Telephone: (207) 624-7736. E-mail: [Melissa.Packard@Maine.gov](mailto:Melissa.Packard@Maine.gov).

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*: N/A

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: This proposed rule would result in municipalities paying the costs of mass confirmation mailings to voters, which must occur at least once every five years. Currently, the Department of Secretary of State conducts these mailings and pays the costs of them. Cost would vary depending on the size of the municipality and the selection criteria used for the mailings. Municipalities would also be responsible for litigation costs arising from any legal challenge under the National Voter Registration Act of 1993 to their administration of the required list-maintenance program, which is currently administered by the Secretary of State.

**STATUTORY AUTHORITY FOR THIS RULE:** The petitioners assert that the rule is authorized by 21-A MRSA Sec. 161(2-A). The agency does not necessarily agree as to all portions of the rule.

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different)*: 21-A M.R.S. ch. 3; National Voter Registration Act of 1993, 52 U.S.C. Secs. 20501–20511.

**AGENCY WEBSITE:** <https://www.maine.gov/sos/cec/elec/index.html>

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Dorothy.Canelli@Maine.gov](mailto:Dorothy.Canelli@Maine.gov)

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

**CHAPTER NUMBER AND TITLE:** **38 Rules for Operation of the Farmers Drought Relief Fund**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P330**

**BRIEF SUMMARY:** The proposed rules implement the Farmers Drought Relief Fund and provide procedures for application, review criteria, and payment limitations for grants to provide agricultural water management plans and development of agricultural water sources such as wells and water storage ponds.

**PUBLIC HEARING** *(if any)*: January 17, 2025, 1:00 PM, Deering Building, Room 101, 90 Blossom Lane, Augusta, Maine and via Zoom at <https://mainestate.zoom.us/meeting/register/tZMuduyuqz0sHtbaPRZooy-7jPpfHEWofeYo>

**COMMENT DEADLINE:** February 1, 2025

**CONTACT PERSON FOR THIS FILING:** Tom Gordon, Department of Agriculture, Conservation & Forestry, 22 State House Station, Augusta, ME 04333-0033, telephone (207-592-3584) email [Tom.Gordon@Maine.gov](mailto:Tom.Gordon@Maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*:

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

**STATUTORY AUTHORITY FOR THIS RULE:** 7 M.R.S.A., Chapter 8-A, subchapter 4

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

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

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** [Shannon.Ayotte@Maine.gov](mailto:Shannon.Ayotte@Maine.gov)

**AGENCY: 65-407 Public Utilities Commission**

**CHAPTER NUMBER AND TITLE: Chapter 313: Customer Net Energy Billing  
TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P331**

**BRIEF SUMMARY:** The Public Utilities Commission initiates a rulemaking proceeding to amend its Net Energy Billing (NEB) rule, Chapter 313 to clarify that the monetization of unused or expired credits does not include the credits that are assigned to the facility account of an eligible NEB facility.

**PUBLIC HEARING** *(if any)*: **January 15, 2025, at 1:30 p.m** at the Public Utilities Commission, 26 Katherine Drive, Hallowell, Maine 04347. Persons unable to attend this conference in person may elect to participate virtually by emailing pamela.kowalchuk@maine.gov at the Commission and requesting a Microsoft Teams invitation. Those unable to attend via video may participate by phone using the dial-in information that appears on the Microsoft Teams invitation (obtained as described above).

**COMMENT DEADLINE:January 27, 2025**. Interested persons may file final written comments on the proposed amendments in CMS, in Docket No. 2024-00356, no later than January 27, 2025.

**CONTACT PERSON FOR THIS FILING**: Liz Wyman, 18 State House Station, Augusta, ME 04333; (207) 287- 1321; liz.wyman@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*: N/A

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

**STATUTORY AUTHORITY FOR THIS RULE:** 35-A M.R.S. Secs. 104, 111, 1301, 3209-A, 3209-B.

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

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

**EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:** pamela.kowalchuk@maine.gov

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

**CHAPTER NUMBER AND TITLE: Chapter 111: Petroleum Liquid Storage Vapor Control**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P332**

**BRIEF SUMMARY:** The Department is initiating rulemaking to revise its rule *Petroleum Liquid Storage Vapor Control*, 06‑096 C.M.R. ch. 111 (Chapter 111) to clarify applicability and to remove the prohibition on tank degassing during certain periods of the year due to the implementation of new control requirements pursuant to *Degassing of Petroleum Storage Tanks, Marine Vessels, and Transport Vessels*, 06‑096 C.M.R. ch. 170 (Chapter 170).

**PUBLIC HEARING:** 9:00 AM, January 16, 2025; Deering Building, Room 101; 90 Blossom Lane, Augusta, Maine.  Use the Main Entrance, D1

**COMMENT DEADLINE:** January 28, 2025

**CONTACT PERSON FOR THIS FILING:** Lynn Muzzey; Maine Department of Environmental Protection; 17 State House Station, Augusta, ME 04333; (207) 332-1279; [lynn.muzzey@maine.gov](mailto:lynn.muzzey@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. Secs. 585, 585-A and 590

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

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

**CHAPTER NUMBER AND TITLE: Chapter 583: Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P333**

**BRIEF SUMMARY:** The Department is proposing the new chapter 583 to establish methods to address nutrient enrichment in fresh surface waters of the state. Nutrient enrichment can cause negative environmental impacts to surface waters—such as algal blooms, low dissolved oxygen concentrations, excessive growths of filamentous algae or bacteria, and generation of cyanotoxins—or affect the resident biological community. The Department of Environmental Protection (Department) will use the methods described in this Chapter to make decisions about attainment of designated and existing uses of aquatic life support, habitat, and recreation in and on the water of surface waters established in the State’s water quality classification system (38 M.R.S. Secs. 464-470). This Chapter also sets forth a framework to identify and establish site-specific phosphorus and other nutrient criteria through additional rulemaking.

**PUBLIC HEARING:** January 16, 2025, 9:00 AM: Deering Building, Room101, 90 Blossom Lane, Augusta, Maine. Use the Main Entrance, D1.

**COMMENT DEADLINE:** January 28, 2025

**CONTACT PERSON FOR THIS FILING:** Matthew Hight, 17 State House Station, Augusta, Me 04333, 207-719-0703, matt.hight@maine.gov

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT:** Same.

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** This rule will impact the process of setting discharge limits in certain Waste Discharge Licenses issued pursuant to 38 M.R.S. § 413. Upon license renewal the Department will determine if there is a reasonable potential for a discharge to cause or contribute to the non-attainment of the nutrient criteria in this rule, and if new or lower nutrient limits will be required. In some cases, these discharge limits will require increased levels of treatment. In these cases, the Department would establish a compliance schedule of up to 5 years, to come into compliance with the new limits. Total capital cost associated with achieving these levels of treatment at all affected municipal and quasi-municipal facilities is projected to be in the range of $33 million to $55 million. Increased annual operation and maintenance cost, including annual debt service, for all affected facilities are estimated to be approximately $2.6 to $4.3 million.

**STATUTORY AUTHORITY FOR THIS RULE:** 38 M.R.S. Secs. 341-D(1-C), 341-H, and 464(5)

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:** 38 M.R.S. Secs. 464-470

**AGENCY WEBSITE:** <https://www.maine.gov/dep/rules/index.html>

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

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

**CHAPTER NUMBER AND TITLE: Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances**

**TYPE OF RULE: Routine Technical**

**PROPOSED RULE NUMBER: 2024-P334**

**BRIEF SUMMARY:** The Department is proposing a new rule, Chapter 90, to establish criteria for currently unavoidable uses of intentionally added PFAS in products and to implement the sales prohibitions and notification requirements for products containing intentionally added PFAS but determined to be a currently unavoidable use pursuant to the amended 38 M.R.S. Sec. 1614.

**PUBLIC HEARING:** January 16, 2025, 9:00 AM; Deering Building, Room101, 90 Blossom Lane, Augusta, Maine. Use the Main Entrance, D1.

**COMMENT DEADLINE:** January 28, 2025

**CONTACT PERSON FOR THIS FILING:** Kerri Malinowski Farris, 17 State House Station, Augusta, ME 04333. (207) 215-1894, [pfasproducts.dep@Maine.gov](mailto:pfasproducts.dep@Maine.gov)

**CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT** *(if different)*: N/A

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES** *(if any)*: No significant fiscal impact to municipalities or counties anticipated.

**STATUTORY AUTHORITY FOR THIS RULE:** 38 M.R.S. Sec. 1614

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

**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)

**ADOPTIONS**

**None.**

**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.**