

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
2021-2022 Regulatory Agenda

18-119: Office of the State Controller
18-125: Bureau of Revenue Services
18-389: Bureau of Human Resources
18-553: Bureau of Alcoholic Beverages and Lottery Operations
18-554: Bureau of General Services
18-674: Maine Board of Tax Appeals
18-691: Office of Marijuana Policy

AGENCY UMBRELLA-UNIT NUMBER: 18-119
AGENCY NAME: Office of the State Controller

CONTACT PERSON: Douglas Cotnoir, State Controller, Office of the State Controller,
14 State House Station, Augusta, Maine 04333-0014, (207) 626-8428,
Douglas.E.Cotnoir@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

CHAPTER 1: TRAVEL AND EXPENSE REIMBURSEMENT POLICIES

STATUTORY BASIS: 5 M.R.S. §1541, subsection 13.

PURPOSE: These regulations specify official policy which governs travel and expense reimbursement for State employees and officials, the definition of which expenses are reimbursable and the levels of such reimbursement.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: All Maine State Employees who may travel in the course of their official duties.

AGENCY UMBRELLA-UNIT NUMBER: 18-125
AGENCY NAME: Bureau of Revenue Services

CONTACT PERSON: Peter Lacy, Office of General Counsel, Maine Revenue Services,
24 State House Station, Augusta, ME 04333-0024, (207) 624-9708,
Peter.W.Lacy@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:
Amendments to Chapter 812 (Credit for Educational Opportunity)

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2021-2022 RULEMAKING ACTIVITY:

CHAPTER 202: TREE GROWTH TAX LAW VALUATIONS

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, and 576

PURPOSE: 36 M.R.S. § 576 requires the State Tax Assessor to annually establish the current use values for forest land enrolled in the Tree Growth Tax Law program. The current use values are determined after considering area growth rates, tree-type distributions, and timber stumpage sales during previous calendar years. The annual current use values are used to determine municipal property tax rates for affected land and State reimbursements to municipalities. The rule is being repealed and replaced to update the per acre values for the tax year beginning April 1, 2022.

SCHEDULE FOR ADOPTION: By April 1, 2022.

AFFECTED PARTIES: All Maine municipal assessors and Maine taxpayers with land enrolled in the Tree Growth Tax Law program.

CHAPTER 205: CERTIFICATION OF ASSESSORS

STATUTORY BASIS: 36 M.R.S. §§ 112 and 310-314

PURPOSE: Certification of municipal assessors in the State of Maine is the responsibility of the State Tax Assessor. This rule governs the examination, certification, and continuing education requirements under 36 M.R.S. § 311. The rule may be amended to incorporate updates and clarifications and to make technical changes.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: All Maine municipal assessors, municipal officials, and people interested in becoming assessors.

CHAPTER 207: REAL ESTATE TRANSFERS

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, and 4641-E

PURPOSE: 36 M.R.S. § 4641-E authorizes the State Tax Assessor to adopt rules necessary to carry out the purposes of the real estate transfer tax. This rule clarifies the process of assessing, collecting, and reporting the tax for transfers of controlling interest. The rule is being amended to further explain the tax and to make other changes.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: Sellers and buyers of Maine real property, county registrars, and professionals involved in the selling and buying of Maine real property.

CHAPTER 208: REVALUATION GUIDELINES

STATUTORY BASIS: 36 M.R.S. §§ 112, 328, 330, 331

PURPOSE: This rule explains in further detail the process of revaluation of property and presents guidance for professionals providing revaluation services, established in accordance with statutory provisions. The rule is being amended to adopt procedures to encourage compliance with the law.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: All Maine municipal assessors, entities performing municipal revaluations, and Maine residents.

NEW CHAPTER 210: TELECOMMUNICATIONS EXCISE TAX

STATUTORY BASIS: 36 M.R.S. §§ 112, 457, and 458, PL 2011, c. 430

PURPOSE: This new rule would provide definitions and explanations of statutory terms and procedures for the State telecommunications excise tax pursuant to 36 M.R.S. §§ 457 and 458.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: All persons engaged in the activity of providing interactive 2-way communication services for compensation.

CHAPTER 603: MAINE ESTATE TAX AFTER 2012

STATUTORY BASIS: 36 M.R.S. §§ 112 and 4101-4119

PURPOSE: This rule explains in further detail Maine estate tax laws for estates of decedents dying after 2012. Maine Revenue Services may amend this rule for legislative updates and clarification.

SCHEDULE FOR ADOPTION: By December 2021.

AFFECTED PARTIES: All resident and nonresident taxpayers subject to the Maine estate tax.

CHAPTER 801: APPORTIONMENT

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5210-5212 .

PURPOSE: This rule explains Maine income tax apportionment for business entities. Maine Revenue Services anticipates amending this rule to update and clarify issues related to Maine income tax apportionment and for legislative changes.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: Business taxpayers that have nexus with Maine and that have income from business operations in more than one state.

CHAPTER 803: WITHHOLDING TAX REPORTS AND PAYMENTS

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5250-5255-B

PURPOSE: This rule identifies income subject to Maine withholding, prescribes the methods for determining the amount to withhold, and explains the related reporting requirements. Maine Revenue Services anticipates amending this rule for legislative updates and clarification.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: Businesses that are subject to the Maine income tax withholding requirement.

CHAPTER 807: RESIDENCY

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5102(5)

PURPOSE: This rule addresses the determination and effect of an individual's residency status with respect to Maine individual income tax. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: Individuals who are subject to Maine income tax.

CHAPTER 808: CORPORATE INCOME TAX NEXUS

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5200-5202-C

PURPOSE: This rule describes the circumstances under which a foreign corporation is subject to the income tax jurisdiction of Maine. Maine Revenue Services anticipates amending this rule for legislative updates and clarification.

SCHEDULE FOR ADOPTION: By December 2021.

AFFECTED PARTIES: Corporations subject to the Maine corporate income tax.

CHAPTER 810: MAINE UNITARY BUSINESS TAXABLE INCOME, COMBINED REPORTS AND TAX RETURNS

STATUTORY BASIS: 36 M.R.S. §§ 112, 5102, and 5200

PURPOSE: This rule explains standards for determining Maine income tax for unitary businesses and for filing combined reports and related tax returns. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: Unitary businesses subject to the Maine income tax.

CHAPTER 812: CREDIT FOR EDUCATIONAL OPPORTUNITY

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5217-D

PURPOSE: This rule explains in further detail the Maine income tax credit for educational opportunity pursuant to 36 M.R.S. § 5217-D. Maine Revenue Services anticipates amending this rule for updates and clarification and to reflect Maine tax law changes.

SCHEDULE FOR ADOPTION: By August 2022.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim this credit.

CHAPTER 813: PROPERTY TAX FAIRNESS CREDIT

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-KK

PURPOSE: This rule provides guidance for the calculation of the Property Tax Fairness Credit. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By December 2021.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim the credit.

NEW CHAPTER 818: RENEWABLE CHEMICALS TAX CREDIT

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-XX

PURPOSE: This new rule would provide definitions and explanations of statutory terms and procedures for claiming the renewable chemicals tax credit pursuant to 36 M.R.S. § 5219-XX.

SCHEDULE FOR ADOPTION: By December 2021.

AFFECTED PARTIES: All taxpayers eligible to claim the credit.

Added 4-28-2022

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DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
Addition to 2021-2022 Regulatory Agenda

AGENCY UMBRELLA-UNIT NUMBER: **18-125**

AGENCY NAME: **Bureau of Revenue Services**

CONTACT PERSON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024, (207) 624-9712, alexander.j.weber@maine.gov

CHAPTER 211: DEFERRED COLLECTION OF HOMESTEAD PROPERTY TAXES
EMERGENCY

STATUTORY BASIS: 36 M.R.S. §§ 112 and 6250(2-A)

PURPOSE: This rule establishes additional clarification and procedures for documenting a disability, within the meaning of the statute, for the Deferred Collection of Homestead Property Taxes ("Deferral Program").

SCHEDULE FOR ADOPTION: EFFECTIVE May 18, 2022

AFFECTED PARTIES: An individual filing an application based on a disability for the Deferral Program under Title 36 of the Maine Revised statutes, Part 9, Chapter 908.

Added 12-20-2021

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**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
Addition to 2021-2022 Regulatory Agenda**

AGENCY UMBRELLA-UNIT NUMBER: 18-125

AGENCY NAME: Bureau of Revenue Services

CONTACT PERSON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024, (207) 624-9712, alexander.j.weber@maine.gov

CHAPTER 805: COMPOSITE FILING

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5192(5)

PURPOSE: This rule establishes procedures for filing of composite returns of income by partnerships, estates, trusts, and S corporations on behalf of partners, beneficiaries or shareholders. Maine Revenue Services anticipates amending this rule for legislative updates and clarifications.

SCHEDULE FOR ADOPTION:

AFFECTED PARTIES: An entity filing a composite return on behalf of its partners, beneficiaries, or shareholders who are eligible persons and who elect to participate in the composite filing.

AGENCY UMBRELLA-UNIT NUMBER: 18-389

AGENCY NAME: Bureau of Human Resources

CONTACT PERSON: Breena Bissell, Director, 4 State House Station, Augusta, ME 04333-0004, (207) 624-7368, Breena.Bissell@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

CHAPTER 1: PURPOSE, ADOPTION AND AMENDMENT OF RULES AND DEFINITION OF TERMS

STATUTORY BASIS: 5 MRSA §7036, sub-§17

PURPOSE: Ensures definitions are consistent with Civil Service Law and the Administrative Procedure Act, reflecting changes in policy and procedures as a result of changes to these laws.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 2: INTERMITTENT EMPLOYMENT

STATUTORY BASIS: 5 MRSA §7053

PURPOSE: To comply with the Civil Service Law and to provide clarification of the benefits available to intermittent employees.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 3: DIVISIONS OF THE CLASSIFIED SERVICE

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065; Ch. 147, P&SL 06/14/76

PURPOSE: Identifies the competitive, non-competitive (also known as "direct hire"), and labor divisions of Maine State Service.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 4: CLASSIFICATION PLAN

STATUTORY BASIS: 5 MRSA §7061

PURPOSE: Explains the classification plan and mechanism for its maintenance. Defines the allocation and re-allocation of positions and related actions. Identifies the purpose and use of classification specifications and classification titles and states the mechanism for appeals of classification actions.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 5: COMPENSATION PLAN

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065

PURPOSE: Defines the compensation plan in terms of fixed salary schedules as adopted, published, and emended for covered classifications of work in Maine State Service. Identifies pay rates, presents overtime provisions and gives rates of pay for specific personnel actions such as new hires, promotions, demotions, transfers, non-standard work designations, and project appointments.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 6: APPLICATIONS AND EXAMINATIONS

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Provides information and procedures regarding the character and content of examinations and related announcement/examination administration practices. Gives requirements for admission, outlines exam scoring and notice procedures, and presents the mechanism for appeal of examination results.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 7: ELIGIBLE REGISTERS

STATUTORY BASIS: 5 MRSA §§ 7034, 7036, 7052, 7053, 7062, 7064

PURPOSE: Identifies the types of employment registers and the way they are maintained and used. Establishes a mechanism for adding and removing names and specifies the normal duration of registers.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 8: CERTIFICATION AND APPOINTMENT

STATUTORY BASIS: 5 MRSA §§ 781-791, 7034, 7036, 7051, 7052, 7053, 7054, 7055, 7062, 7064

PURPOSE: Establishes rules which govern appointments to position vacancies in the classified service. Includes procedures for appointments made by certification from classification registers and for appointments resulting from nominations submitted by appointing authorities. Provisions are also included for: apprentice, trainee, and conditional appointment referrals that may be authorized by the Director; acting capacity assignments; and the reemployment of retired persons.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 9: PROBATIONARY PERIOD

STATUTORY BASIS: 5 MRSA §§ 7036, 7051

PURPOSE: Identifies the purpose and duration of the probationary period and presents the mechanism for transition from probationary to permanent status.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 10: PERFORMANCE APPRAISAL AND TRAINING

STATUTORY BASIS: 5 MRSA §§ 7036, 7065, 7070

PURPOSE: Identifies the purpose and requirements for the performance appraisal system and establishes a mechanism for internships and apprentice training.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 11: HOLIDAYS, LEAVE OF ABSENCE AND RELATED COMPENSATION PRACTICES

STATUTORY BASIS: 5 MRSA §§ 721-727, 7036

PURPOSE: Designates holidays and related compensation procedure and presents regulations governing leaves of absence with pay and without pay. Includes sick leave, vacation leave, military leave, educational leave, jury duty and court appearances, workers' compensation, and unclassified service appointments.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 12: DISCIPLINARY ACTION, DEMOTION AND LAYOFF

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Presents the basis and procedure for demotions, suspensions, and dismissals in the State service; the procedure for resignation in good standing; and the statewide mechanism for addressing the unavoidable layoff of employees.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 13: COMPLAINTS, GRIEVANCES AND INVESTIGATIONS

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7081-7085

PURPOSE: Presents the various mechanisms through which complaints and/or grievances of State employees may be discovered, filed and/or heard, and related investigation and enforcement powers of the Director with respect to proper administration and application of the Civil Service Law to these rules.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 14: EMPLOYEE WORK RECORDS AND PAYROLL CERTIFICATION PROCEDURE

STATUTORY BASIS: 5 MRSA §§ 7070, 7071

PURPOSE: Provides information and establishes procedures with respect to employment history and records maintained by the appointing authority and the Bureau of Human Resources. Provides requirements for information regarding changes in employee status for purposes of payroll authorization and the permanent record thereof. Provides access to public records, with restriction.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: New hire applicants, confidential employees, and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 15: THE MAINE MANAGEMENT SERVICE

STATUTORY BASIS: 5 MRSA §§ 7031, 7034, 7036, 7051, 7052, 7061, 7065, 7081-7085

PURPOSE: This chapter, adopted in 2002, established the Maine Management Service and provides separate and distinct rules for confidential employees who occupy positions that are specifically designated as included in the Maine Management Service. This chapter provides a definition and outlines the goals of the Maine Management Service; provides the manner in which positions are included in the Maine Management Service; and defines terms associated with the Maine Management Service. This chapter also provides a classification and compensation plan for the Maine Management Service; provides unique procedures for recruitment, application, selection, training, and development. This chapter also provides a unique procedure for layoff, complaints, grievances, investigations, and discipline of employees included in the Maine Management Service.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Applicants for positions included in the Maine Management Service, confidential employees who occupy positions that are specifically designated as included in the Maine Management Service.

AGENCY UMBRELLA-UNIT NUMBER: 18-553

AGENCY NAME: **Bureau of Alcoholic Beverages and Lottery Operations (BABLO)/Maine State Liquor and Lottery Commission**

CONTACT PERSON: Gregg Mineo, Director, 8 State House Station, Augusta, ME 04333-0008, (207) 287-8289, Gregg.Mineo@Maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

CHAPTER 2: PRICING OF SPIRITS

STATUTORY BASIS: 28-A MRSA. §83

PURPOSE: To establish such rules as necessary for the administration of the state liquor laws under the jurisdiction of the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Agency liquor stores and licensees; wholesale distributors of spirits and suppliers of spirits.

CHAPTER 3: ON-PREMISE DATA COLLECTION

STATUTORY BASIS: 28-A MRSA, §453-C, sub-§4, ¶D

PURPOSE: To establish such rules as necessary for mitigating the costs incurred by reselling agents in providing sales data of spirits to on-premise licensees to the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Agency liquor stores that are licensed as reselling agents.

CHAPTER 4: RULES GOVERNING THE PROCESS FOR THE RELOCATION OF AN AGENCY LIQUOR STORE WITHIN THE SAME MUNICIPALITY

STATUTORY BASIS: 28-A MRS §453-D, sub-§3.

PURPOSE: To establish a process by which an agency liquor store may provide support of or objection to the relocation of another agency liquor store within the same municipality.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons licensed as an agency liquor store.

CHAPTER 10: MAINE STATE LOTTERY

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish such rules as necessary for the operation of the Maine State Lottery including types of games offered, subscriptions, price of tickets, number and size of prizes, manner of selecting winning tickets, the method of paying prizes, the sale of tickets and the licensing, performance, fee charges and commission of ticket agents.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

CHAPTER 20: POWERBALL

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

CHAPTER 40: MEGA MILLIONS

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

CHAPTER 50: LUCKY FOR LIFE

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

CHAPTER 70: WORLD POKER TOUR GAME RULES

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a Maine only lottery including any marketing and promotion of the lottery game.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

CHAPTER 80: LOTTO AMERICA GAME RULES

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Licensed lottery retail agents and the public.

CHAPTER 101: OPERATION AND CONTROL OF ALL LICENSED PREMISES

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of 28-A MRSA Maine Liquor Laws.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons owning and/or operating premises licensed to sell and/or serve alcoholic beverages pursuant to applicable provisions of 28-A MRSA.

CHAPTER 102: PREMISES LICENSED FOR ON-PREMISES CONSUMPTION ONLY

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for on-premises consumption of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be consumed on-premises.

CHAPTER 103: PREMISES LICENSED FOR OFF-PREMISES SALES ONLY

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for off-premises sales of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be sold off-premises.

CHAPTER 104: PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS AND CERTIFICATES OF APPROVAL

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to wholesalers and manufacturers of alcoholic beverages, and certificates of approval.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Wholesalers and manufacturers of alcoholic beverages; holders of certificates of approval.

CHAPTER 105: LABELING

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to the labeling of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Labelers of alcoholic beverages.

CHAPTER 106: SALESMEN

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to salespersons selling alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Salespersons selling alcoholic beverages.

CHAPTER 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

CHAPTER 110: AGENCY LIQUOR STORES

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 120: LICENSING PROCEDURE

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 130: SELECTION AND LOCATION OF AGENCY LIQUOR STORES

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 140: MERCHANDISING AND STOCK

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2022.
AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 150: SIGNS AND ADVERTISING

STATUTORY BASIS: 28-A MRSA §83-A.
PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.
SCHEDULE FOR ADOPTION: By September 2022.
AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

NEW CHAPTER 160: DEFINITION OF BRAND

STATUTORY BASIS: Resolve 2013, chapter 89.
PURPOSE: To assist licensees under Title 28-A, chapters 55 and 57 in defining brand for the distribution of malt beverages and wine.
SCHEDULE FOR ADOPTION: By September 2022.
AFFECTED PARTIES: Persons holding or applying for a certificate of approval holder or wholesaler license.

AGENCY UMBRELLA-UNIT NUMBER: **18-554**
AGENCY NAME: **Bureau of General Services**

CONTACT PERSON: Elaine Clark, DAFS Deputy Commissioner, 77 State House Station, Augusta, Maine 04333-0077, (207) 624-7366, Elaine.Clark@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

CHAPTER 1: PROCEDURES FOR PROCUREMENT OF PROFESSIONAL AND ARCHITECTURAL AND ENGINEERING SERVICES

STATUTORY BASIS: 5 M.R.S. §1742(6) and §1743-B
PURPOSE: This rule outlines the procedures to be used to select architects and engineers, negotiate services and fees, and enter into contracts for public improvement projects.
SCHEDULE FOR ADOPTION: By September 2022.
AFFECTED PARTIES: All interested architects and engineers doing business with the State of Maine and State Agencies in the area of public improvements.

CHAPTER 2: BOCA BASIC BUILDING CODE - 1987

STATUTORY BASIS: 5 M.R.S.A. §1742(6-A)
PURPOSE: This rule outlines various provisions of the BOCA National Building Code, which is obsolete. Chapter 2 is being amended to reflect current building codes.
SCHEDULE FOR ADOPTION: By September 2022.
AFFECTED PARTIES: All interested parties doing design work on public improvements for the State of Maine and State Agencies.

CHAPTER 3: LIFE CYCLE ANALYSIS

STATUTORY BASIS: 5 M.R.S.A. §1764

PURPOSE: This rule implements public laws enacted in 1977 and 1981 which are now obsolete. The Bureau of General Services anticipates amending Chapter 3 to reflect current energy codes and methodology and legislative changes.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Architects, engineers and parties interested in evaluation of state facility energy consumption.

CHAPTER 4: STANDARD 62-1981R VENTILATION FOR ACCEPTABLE INDOOR AIR QUALITY ADOPTION

STATUTORY BASIS: 5 M.R.S.A. §1742 (24)

PURPOSE: This rule, last updated in 1996, outlines minimum indoor air ventilation standards by reference to codes that are now obsolete. Chapter 4 may be repealed or amended to reflect current indoor air ventilation standards.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Architects, engineers and parties interested in evaluation of indoor air quality in spaces occupied by state employees.

CHAPTER 6: 1981 STANDARDS OF CONSTRUCTION FOR MAKING BUILDINGS USABLE BY PHYSICALLY HANDICAPPED

STATUTORY BASIS: 26 M.R.S.A. §2702-A (repealed)

PURPOSE: This rule was adopted pursuant to a statute that has been repealed. It has been superseded by 5 M.R.S. §4594-G, which does not require rulemaking, and the Americans with Disabilities Act. Chapter 6 may be repealed.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Architects, engineers, Maine Human Rights Commission, and those interested in barrier-free construction.

CHAPTER 60: IMPROVEMENT OF ENERGY EFFICIENCY IN STATE-FUNDED CONSTRUCTION

STATUTORY BASIS: 5 M.R.S.A. §1764-A

PURPOSE: This rule implements statutory requirements to develop energy standards that minimize energy consumption and operating costs. Codes referenced in the rules are obsolete. Chapter 60 is being amended to update references to currently applicable building codes.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: Architects, engineers and parties interested in energy efficiency in state buildings.

CHAPTER 110: RULES FOR THE PURCHASE OF SERVICES AND AWARDS

STATUTORY BASIS: 5 M.R.S.A. §1825-C

PURPOSE: This rule outlines the procedures to be used in the purchase of services and the awarding of grants and contracts.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: All interested parties doing business with the State of Maine and State Agencies purchasing goods or services.

CHAPTER 120: RULES FOR APPEAL OF CONTRACT AND GRANT AWARDS

STATUTORY BASIS: 5 M.R.S.A. §1825-(C) (D) (E) (F)

PURPOSE: This rule outlines the procedures and criteria to be used in the appeal of contract or grant awards, outlines the appointment of an Appeal Committee, describes procedures to be used in hearing an appeal and how appellants will be notified of final agency action.

SCHEDULE FOR ADOPTION: By June 2022.

AFFECTED PARTIES: All interested parties doing business with the State of Maine and State Agencies purchasing goods or services.

AGENCY UMBRELLA-UNIT NUMBER: 18-674

AGENCY NAME: **Maine Board of Tax Appeals**

CONTACT PERSON: Paul Bourget, Chief Appeals Officer, Maine Board of Tax Appeals, 134 State House Station, Augusta, Maine 04333-0134. Telephone: (207) 287-2862.
E-mail: Paul.Bourget@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

CHAPTER 100 – MAINE BOARD OF TAX APPEALS PRACTICE AND PROCEDURE

STATUTORY BASIS: 36 M.R.S. §151-D.

PURPOSE: This Chapter establishes rules of practice and procedure before the Maine Board of Tax Appeals as required by 36 M.R.S. §151-D. The Board expects to amend this rule to update the location at which appeals conferences are ordinarily held and to correct an inaccurate cross-reference. 18-674 C.M.R. ch. 100, §§ 201(3), 304(2) (2014).

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: All parties practicing before the Board in tax appeals matters.

AGENCY UMBRELLA-UNIT NUMBER: 18-691

AGENCY NAME: **Office of Marijuana Policy**

CONTACT PERSON: Gabi Pierce, Policy Director, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162, (207) 530-0507, Gabi.Pierce@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: 18-691 CMR, ch. 3, Emergency Rule Regarding the Imposition of Excise Taxes on Sales, Purchases and Transfers of Adult Use Marijuana.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2021-2022 RULEMAKING ACTIVITY:

CHAPTER 1: ADULT USE MARIJUANA PROGRAM RULE

STATUTORY BASIS: 28-B M.R.S, CHAPTER 1; PL 2019, ch. 676

PURPOSE: These regulations specify the minimum standards for Adult Use Marijuana Program Licensees; revisions to this Rule include, but are not limited to, additional clarification regarding the use of logos and brand names in packaging, labeling, marketing and advertising by licensees and other packaging and labeling changes; changes to the mandatory tests required based upon marijuana item type (flower/trim, concentrate, products) and licensee receiving transferred products; permissible remediation and retesting process; clarification of synthetic cannabinoid definition and acceptable uses, if any; and changes to fencing requirements for cultivation facility licensees.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: All Adult Use Marijuana Program licensees.

CHAPTER 2: MAINE MEDICAL USE OF MARIJUANA PROGRAM RULE

STATUTORY BASIS: 22-M.R.S., CHAPTER 558-C

PURPOSE: These regulations specify the minimum standards for Maine Medical Use of Marijuana Program registrants. Revisions to this rule may include changes required to effectuate statutory changes since the rule was last promulgated.

SCHEDULE FOR ADOPTION: By September 2022.

AFFECTED PARTIES: All Maine Medical Use of Marijuana Program registrants.

CHAPTER 5: RULES FOR THE CERTIFICATION OF MARIJUANA TESTING FACILITIES

STATUTORY BASIS: 28-B M.R.S CHAPTER 1

PURPOSE: These regulations specify minimum standards for marijuana testing facilities licensed under the Adult Use Marijuana Program. Revisions to include, but are not limited to, inclusion of a list of pesticides and detection limits for the same for the purposes of reporting mandatory test results regarding pesticides, reporting of and accounting for lab uncertainty for potency testing, testing for and reporting of cannabinoids besides THCA and delta-9 THC.

SCHEDULE FOR ADOPTION: By December 2021.

AFFECTED PARTIES: All Adult Use Marijuana Program licensees.