

NOTICE OF STATE AGENCY 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>

PROPOSALS

AGENCY: 18-125 Department of Administrative & Financial Services, Maine Revenue Services

CHAPTER NUMBER AND TITLE: Ch. 326, Leases and Rentals of Tangible Personal Property

TYPE OF RULE: Routine Technical

PROPOSAL FILING NUMBER: 2025-P029

BRIEF SUMMARY: Proposed Rule 326 will provide definitions, explanations, and examples of taxable and non-taxable transactions related to the shift of the imposition of sales or use tax on leased property from being due from the lessor upfront on the entire purchase price of the rental property to instead requiring the lessor to collect sales tax from the lessee on each lease or rental payment, beginning January 1, 2025. The rule also addresses other potential sales and use tax issues related to such transactions, including software licenses; sourcing of leases and rentals; and the calculation of sale price for leases and rentals. This new rule is being adopted to implement recent legislative changes. See P.L. 2023, c. 643, Pt. H and P.L. 2023, c. 673 (generally imposing sales tax on leases and rentals).

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

COMMENT DEADLINE: April 21, 2025

CONTACT PERSON FOR THIS FILING:

Alex Weber, General Counsel

Maine Revenue Services

24 State House Station

Augusta, ME 04333-0024

Phone: (207) 624-9712

Email: 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. § 112

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

AGENCY WEBSITE: www.maine.gov/revenue

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: anya.trundy@maine.gov

AGENCY: 94-411 Maine Public Employees Retirement System

CHAPTER NUMBER AND TITLE: Ch. 104, Limitations on Earnable Compensation for Purposes of Calculating Average Final Compensation of State Employee and Teacher Members

TYPE OF RULE: Routine Technical

PROPOSAL FILING NUMBER: 2025-P030

BRIEF SUMMARY: This rule implements 5 M.R.S. § 17001(13)(C), the provisions in the Maine Public Employees Retirement System statute relating to limitations or “caps” on earnable compensation for the purposes of determining average final compensation for state employee and teacher members. The proposed rule amends the current rule. Under the proposed amended rule, all earnable compensation increases to a member in a collectively-bargained position or that results from receiving a promotion would be excluded from the cap.

PUBLIC HEARING (*if any*): April 10, 2025, 10:30 AM, 139 Capitol Street, Augusta, ME 04332

COMMENT DEADLINE: April 21, 2025

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org

CONTACT PERSON FOR THIS FILING:

Kathy J. Morin, Director of Actuarial and Legislative Affairs
Maine Public Employees Retirement System

P.O. Box 349

Augusta, ME 04332

1-800-451-9800 or (207) 512-3100

kathy.morin@mainepers.org

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

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

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S.A. §§ 17001(4), 17001(13)(C), 17103(4)

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

AGENCY WEBSITE: www.maine.gov

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON:

kathy.morin@mainepers.org

AGENCY: 09-137 Department of Inland Fisheries and Wildlife

CHAPTER NUMBER AND TITLE: Ch. 16, Hunting (Chapter 16.08 – Moose Hunting (permit allocations))

TYPE OF RULE: Routine Technical

PROPOSAL FILING NUMBER: 2025-P031

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing allocation numbers for moose hunting permits to be issued for the 2025 moose hunting season. Permits will be issued for antlered and antlerless moose. As in previous years, some combined units are included wherein a permittee can hunt in more than one WMD. Recommendations are for no changes to permit numbers from 2024 including continuing the three one-week seasons for the adaptive hunt. Proposed permit allocations according to Wildlife Management District are as follows:

WMD 1 - 450 antlered / 175 antlerless
 WMD 2 - 350 antlered / 175 antlerless
 WMD 3 - 200 antlered / 125 antlerless
 WMD 4 - 400 antlered / 100 antlerless
 WMD 4A (adaptive hunt) - 550 antlerless
 WMD 5 - 250 antlered / 125 antlerless
 WMD 6 - 200 antlered / 60 antlerless

WMD 7 & 13 (combined) - 140 antlered
 WMD 8 - 200 antlered / 150 antlerless
 WMD 9 - 125 antlered
 WMD 10 - 60 antlered
 WMD 11 - 50 antlered
 WMD 12 & 15 (combined) - 40 antlered

WMD 14 & 17 (combined) - 40 antlered
 WMD 16 - 0 permits
 WMD 18 - 40 antlered
 WMD 19 - 60 antlered
 WMD 27 & 28 (combined) - 40 antlered

Totals: 4,105 - 2,645 (antlered); 1,460 (antlerless)

Please contact the agency contact person for a complete copy of the rule proposal.

PUBLIC HEARING (if any): April 8, 2025 @ 4:00pm - Inland Fisheries & Wildlife, 353 Water St., 3rd floor conference room, Augusta, ME

COMMENT DEADLINE: April 18, 2025

CONTACT PERSON FOR THIS FILING: Becky Orff, Inland Fisheries and Wildlife, 353 Water Street 41 SHS, Augusta, ME 04333; phone: 207-287-5202; fax: 207-287-6395; e-mail: Becky.Orff@maine.gov

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

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 11551, 11552

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

AGENCY WEBSITE: www.maine.gov/ifw

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Becky.Orff@maine.gov

AGENCY: 02-041 Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation

CHAPTER NUMBER AND TITLE: Ch. 10, Establishment of License Fees (amend Section 16, Elevator and Tramway Safety Inspection Fees)**TYPE OF RULE: Routine Technical****PROPOSAL FILING NUMBER: 2025-P032****BRIEF SUMMARY:**

Recently, the fee rule was amended to implement LD 2214, enacted by the 131st Legislature as P.L. 2023, c. 643. LD 2214 directed that the fee rule be amended to the extent necessary to cover ongoing costs of two additional Elevator Inspector positions, to allow for a future reclassification or reorganization of all Elevator Inspector positions, to take into account reimbursement for required travel and expenses associated with elevator inspections, and to consolidate fees charged by the program.

The current proposed rulemaking amends the rule further to make a technical correction as well as add a category of regulated equipment that was inadvertently omitted. The proposed rulemaking clarifies that the follow-up inspection fee and the temporary use elevator inspection fee apply more broadly than to only modernization plan approvals. The amendment also adds a category to "Other Regulated Equipment" fees (Limited Use Limited Application Elevators or LULA), as it was inadvertently omitted.

Copies of the proposed rule and rulemaking forms may be found at

<https://www.maine.gov/pfr/professionallicensing/professions/elevator-tramway-safety-program>.

PUBLIC HEARING (*if any*): N/A. Pursuant to 5 M.R.S. § 8052(1) and § 8053(3)(B), a hearing may be requested by five (5) interested persons by submitting a request in writing to contact person for this filing.

COMMENT DEADLINE: Friday, April 25, 2025, at 5:00 p.m. (EST) Comments may be submitted in writing to program manager Holly Poirier, holly.poirier@maine.gov, 35 State House Station, Augusta, ME 04333-0035.

CONTACT PERSON FOR THIS FILING: Holly Poirier, Program Manager, 35 State House Station, Augusta, ME 04333-0035, holly.poirier@maine.gov, 207-592-0434, TTY users call Maine Relay 711.

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: 32 M.R.S. §§ 15224, 15225-A; 10 M.R.S. § 8003(2-A)(D)

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

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: holly.poirier@maine.gov

AGENCY: 17-229 Department of Transportation

CHAPTER NUMBER AND TITLE: Chapter 602, Rules Relating to Maine State Ferry Service Tolls

TYPE OF RULE: Routine Technical

PROPOSAL FILING NUMBER: 2025-P033

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.

DETAILED SUMMARY: The Maine Department of Transportation is responsible for establishing the tolls for the use of the Maine State Ferry Service (MSFS). The proposed tolls below update the tolls set out in Schedule A of MaineDOT's *Rules Relating to Maine State Ferry Service Tolls*, which have been in effect since August 1, 2024.

Changes from the existing *Rules Relating to Maine State Ferry Service Tolls* are shown below:

17 DEPARTMENT OF TRANSPORTATION

229 OFFICE OF THE COMMISSIONER

Chapter 602: RULES RELATING TO MAINE STATE FERRY SERVICE TOLLS

Section 1: SUMMARY

This rule establishes tolls for the use of Maine State Ferry Service (MSFS) lines.

Section 2: ESTABLISHMENT OF TOLLS

Tolls for the use of Maine State Ferry Service lines are set forth in Schedule A.

Section 3: DEFINITIONS

As used in Schedule A:

- A) "Adult" means a person 18 years or older.
- B) "Bicycle" means a bicycle as defined in 29-A M.R.S. §101(9).
- C) "Child" means a person who is less than 6 years old.
- D) "Minor" means a person who is at least 6 years old but who is less than 18 years old.
- E) "Motorcycle" means a motorcycle, a motorized scooter, a moped, or a motorized bicycle or tricycle (all as defined in 29-A M.R.S. §101).
- F) "Truck" means a motor vehicle with either more than 4 tires or an overall length (including cargo) of more than 20 feet.

G) "Vehicle" means a motor vehicle with 4 tires or less with an overall length (including cargo) of 20 feet or less, excluding Motorcycles. "Vehicle" includes automobiles, station wagons, vans, mini-vans, pickup trucks, golf carts, fork lifts, riding lawn mowers, small garden tractors, and all-terrain vehicles.

Section 4: COMMUTER TICKETS

Five commuter tickets may be purchased for the price of 4 regular tickets. Commuter tickets are non-transferable, may be used for no more than one round trip per day, and expire if not used within 14 days after the first of the 5 commuter tickets is used.

Schedule A

Islesboro		
	October 1 to May 31	June 1 to September 30
Adult Round Trip	\$9.00 <u>10.25</u>	\$15.00 <u>17.00</u>
Minor Round Trip (Ages 6-17)	\$4.50 <u>5.00</u>	\$10.50 <u>12.00</u>
Child (Ages 0-5)	Free	Free
Vehicle Round Trip *	\$26.00 <u>30.00</u>	\$37.50 <u>42.50</u>
Motorcycle Round Trip *	\$20.50 <u>23.25</u>	\$29.25 <u>33.75</u>
Truck Per Foot Round Trip **	\$5.00 <u>5.75</u>	\$6.00 <u>6.75</u>
Adult Bicycle Round Trip ***	\$15.00 <u>17.00</u>	\$21.00 <u>23.75</u>
Minor Bicycle Round Trip ***	\$10.50 <u>12.00</u>	\$16.50 <u>18.75</u>

Swans Island, Frenchboro, North Haven, Vinalhaven		
	October 1 to May 31	June 1 to September 30
Adult Round Trip	\$14.00 <u>15.75</u>	\$20.25 <u>23.00</u>

Minor Round Trip (Ages 6-17)	\$ 7.00 <u>8.00</u>	\$ 13.25 <u>15.00</u>
Child (Ages 0-5)	Free	Free
Vehicle Round Trip *	\$ 36.50 <u>41.50</u>	\$ 48.50 <u>55.00</u>
Motorcycle Round Trip *	\$ 28.25 <u>32.00</u>	\$ 37.50 <u>42.50</u>
Truck Per Foot Round Trip **	\$ 5.25 <u>6.00</u>	\$ 6.25 <u>7.00</u>
Adult Bicycle Round Trip ***	\$ 20.00 <u>22.75</u>	\$ 26.25 <u>29.75</u>
Minor Bicycle Round Trip ***	\$ 13.00 <u>14.75</u>	\$ 19.25 <u>21.75</u>

Matinicus	
	Year-Round Rates
Adult Round Trip	\$ 25.00 <u>28.25</u>
Minor Round Trip (Ages 6-17)	\$ 12.50 <u>14.25</u>
Child (Ages 0-5)	Free
Vehicle Round Trip * with reservation	\$ 108.00 <u>122.50</u>
Motorcycle Round Trip *	\$ 60.00 <u>68.00</u>
Truck Per Foot Round Trip **	\$ 8.75 <u>10.00</u>
Adult Bicycle Round Trip ***	\$ 31.00 <u>35.25</u>
Minor Bicycle Round Trip ***	\$ 18.50 <u>21.00</u>

* Includes driver (but not accompanying passengers).

** Does not include driver or accompanying passengers.

*** Includes rider.

PUBLIC HEARING (if any):

April 10, 2025

12:00 Noon

Samoset Resort

220 Warrenton Street

Rockport, Maine 04856

Live Stream, Post-Hearing Viewing, and Comments:

<https://bit.ly/2025-MSFS-Rulemaking>

COMMENT DEADLINE: April 20, 2025

CONTACT PERSON FOR THIS FILING:

Anne M. Paré

Chief Counsel

Maine Department of Transportation

16 State House Station

Augusta, Maine 04333

Email: anne.m.pare@maine.gov

Tel: (207) 624-3020; Fax: (207) 624-3021; TTY: Maine Relay 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): Not applicable

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

ADOPTIONS

AGENCY: 06-096 Department of Environmental Protection

CHAPTER NUMBER AND TITLE: Ch. 111, Petroleum Liquid Storage Vapor Control

ADOPTION FILING NUMBER: 2025-057

CONCISE SUMMARY:

The Department is revising 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).

EFFECTIVE DATE: Saturday, March 22, 2025

AGENCY CONTACT PERSON: Lynn Muzzey

AGENCY NAME: Department of Environmental Protection

ADDRESS: 17 State House Station, Augusta, ME 04333

TELEPHONE: (207) 332-1279

lynn.muzzey@maine.gov

AGENCY: 13-188 Department of Marine Resources**CHAPTER NUMBER AND TITLE: Ch. 32, Eel Regulations (Elver Quota System for the 2025 Season)****ADOPTION FILING NUMBER: 2025-058****CONCISE SUMMARY:**

This rulemaking establishes the elver quota allocations for the 2025 season for individuals licensed under §§6505-A and 6302-A, and the method of calculating individual elver quota allocations for individuals licensed under §6505-A. The quota for the Passamaquoddy Tribe has been adjusted in accordance with their overage in the 2024 season. 2025 allocations for individuals who held a license in 2024 are the same as their 2024 allocations, plus any quota associated with licenses not renewed in 2024, or licenses suspended for the duration of the 2025 season, which will be distributed evenly to all existing license holders. In addition, a technical change is made in the language of Chapter 32.03, Section 2A for consistency with statute.

EFFECTIVE DATE: Tuesday, March 18, 2025**AGENCY CONTACT PERSON:** Deirdre Gilbert

AGENCY NAME: Department of Marine Resources

ADDRESS: 21 State House Station, Augusta, Maine 04333

WEB SITE: <http://www.maine.gov/dmr/rulemaking/>E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: (207) 624-6553

FAX: (207) 624-6024

TTY: (207) 633-9500 (Deaf/Hard of Hearing)

AGENCY: 05-071 Department of Education**CHAPTER NUMBER AND TITLE: Ch. 83, School Transportation Operations Program****ADOPTION FILING NUMBER: 2025-059****CONCISE SUMMARY:**

Maine Department of Education will no longer be able to support the contract for bus routing software through Transfinder. As a result, the funds that were previously allocated for the routing software will now be redistributed to schools based on the Essential Programs and Services (EPS) funding formula.

This redistribution will be reflected as an allocation of funding in school administrative units' general budgets. Please note that the funds will not be specifically designated for routing software, but rather as part of the overall cost of education and will be part of the transportation allocation. The Department has determined this to be a more equitable distribution of funding so that all SAUs may benefit.

EFFECTIVE DATE: Saturday, March 22, 2025

AGENCY CONTACT PERSON: Laura Cyr
AGENCY NAME: Maine Department of Education
ADDRESS: 23 State House Station, Augusta, ME 04330
TELEPHONE: 207-446-8791