

Department of Agriculture, Conservation and Forestry

**22 and 28 State House Stations
Augusta, Maine 04333
(207) 287-3200**

2022-2023 Regulatory Agenda

**Prepared:
August 17, 2022**

**Amended:
November 18, 2022**

**Amended:
May 23, 2023**

**01-001: Bureau of Agriculture, Food and Rural Resources
01-015: Maine Milk Commission
01-017: Maine State Harness Racing Commission
01-026: Board of Pesticides Control
01-303: Pull Events Commission
01-669: Bureau of Forestry (Maine Forest Service)
01-670: Bureau of Parks and Lands
01-672: Maine Land Use Planning Commission
01-683: Land for Maine's Future Program**

01-001

AGENCY UMBRELLA-UNIT: **01-001**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry,
Bureau of Agriculture, Food and Rural Resources**

CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522,
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EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULEMAKING ACTIVITY:

NEW RULE CHAPTER (# to be assigned): Rules to implement the Emergency Food Assistance Program Fund

STATUTORY AUTHORITY: Sec. 1. 12 MRSA §5018.

PURPOSE: Rules governing the Emergency Food Assistance Program Fund.

SCHEDULE FOR ADOPTION: Prior to October, 2023.

AFFECTED PARTIES: Food security organizations including food banks and pantries.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Craig Lapine, 28 SHS, Augusta, Maine 04333, (207) 557-1623,
craig.lapine@maine.gov.

NEW RULE CHAPTER (# to be assigned): Rules to implement the Salmonella enteritidis Risk Reduction and Surveillance Program for Commercial Egg-type Flocks

STATUTORY AUTHORITY: 7 MRS §1758.

PURPOSE: Rules governing Maine Salmonella enteritidis Risk Reduction and Surveillance Program for Commercial Egg-Type Flocks.

SCHEDULE FOR ADOPTION: Prior to June, 2023.

AFFECTED PARTIES: Poultry Farmers with egg laying flocks over 3,00 birds

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
michele.walsh@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules for Expanding the Local Foods Economy by Promoting Local Foods Procurement

STATUTORY AUTHORITY: 7 MRS Sec. 1. c. 8-A, sub-c. 3

PURPOSE: Establish and promote a local foods procurement program.

SCHEDULE FOR ADOPTION: Prior to July, 2023.

AFFECTED PARTIES: Farmers, food and seafood processors and public institutions.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522,
Nancy.mcbrady@maine.gov

CHAPTER 10: Rules for the Agricultural Compliance Program

STATUTORY AUTHORITY: 7 MRS § 12; 17 MRS § 2701-B; 17 MRS § 2805

PURPOSE: These rules establish procedures for conducting the Agricultural Compliance Program.

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Farms/Farmers/Complainants

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated.
CONTACT PERSON: Matthew Randall, 28 SHS, Augusta, Maine 04333, (207) 287-7708,
matthew.randall@maine.gov

CHAPTER 30: Quarantine (Potato)

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303
PURPOSE: May amend the quarantine against various potato pests to take into consideration recent survey results on the distribution of such pests in the U.S.
SCHEDULE FOR ADOPTION: Prior to July, 2023.
AFFECTED PARTIES: Potato farmers, dealers, buyers, and shippers of imported seed.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602,
ann.gibbs@maine.gov

CHAPTER 31: Rules for Operation of Potato Marketing Improvement Fund

STATUTORY AUTHORITY: 7 MRS §12, 10 MRS §1023-N
PURPOSE: Make changes to the rules governing the operation of the Potato Marketing Improvement Fund.
SCHEDULE FOR ADOPTION: Prior to September, 2023.
AFFECTED PARTIES: Potato industry.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522,
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CHAPTER 32: Rules for Operation of Agricultural Marketing Loan Fund

STATUTORY AUTHORITY: 7 MRS §12, §435
PURPOSE: Make changes to the rules governing the operation of the Agricultural Marketing Loan Fund.
SCHEDULE FOR ADOPTION: Prior to September, 2023.
AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from an agricultural enterprise.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522,
Nancy.mcbrady@maine.gov

CHAPTER 33: Rules for Operation of Agricultural Development Grant Fund

STATUTORY AUTHORITY: 7 MRS §§ 306-A - 309
PURPOSE: Make changes to the rules governing the operation of the Agricultural Development Grant Fund.
SCHEDULE FOR ADOPTION: Prior to December, 2023.
AFFECTED PARTIES: Individuals, firms or organizations interested in accelerating new market development, adoption of improved technology and promotion of agricultural products produced in Maine.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522,
Nancy.mcbrady@maine.gov

CHAPTER 34: Rules for Operation of Dairy Improvement Fund

STATUTORY AUTHORITY: 7 MRS §2910-B; 10 M.R.S. §1023-P; 8 M.R.S. §1036 sub-§2-A
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PURPOSE: Make changes to the rules governing the operation of the Dairy Improvement Fund.

SCHEDULE FOR ADOPTION: Prior to September, 2023.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from an agricultural enterprise.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Lucas Knowles, 28 SHS, Augusta, Maine 04333, (207) 592-0640, lucas.p.knowles@maine.gov

CHAPTER 36: Rules Governing Maine Farms for the Future Program

STATUTORY AUTHORITY: 7 MRS §§ 317-320

PURPOSE: Make changes to the rules governing the operation of the Maine Farms for the Future Program.

SCHEDULE FOR ADOPTION: Prior to December, 2023.

AFFECTED PARTIES: Maine agricultural producers.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Alex Redfield, 28 SHS, Augusta, Maine 04333, (207) 592-0640, alexander.redfield@maine.gov

CHAPTER 50: Rules for the Determination of Insufficient Veterinary Services

STATUTORY AUTHORITY: Title 20-A MRS § 12107

PURPOSE: To establish rules for the determination of insufficient veterinary service areas in accordance with Title 20-A MRS § 12107 and LD 1885 that requires updates to the definition of term and expansion of definitions and program include assessment of emergency and critical care veterinary services.

SCHEDULE FOR ADOPTION: Prior to December, 2023.

AFFECTED PARTIES: Maine residents studying and practicing veterinary medicine in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

CHAPTER 122: Fee Schedule for Inspection of Agricultural Commodities

STATUTORY AUTHORITY: 7 MRS, 12, 441, 446, 951-B, 1033A, 1034, 1034A

PURPOSE: These rules and authorizing fees should be updated to comply with the language and intent of Title §441 which states, "These fees must, as nearly as possible, cover the costs of the inspection services for the commodity inspected." Currently the fees do not cover the inspection costs. The fees have remained static for ten years.

SCHEDULE FOR ADOPTION: Prior to July, 2023

AFFECTED PARTIES: Commodities producers and shippers

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 201: Rules Governing Licensed Livestock Dealers

STATUTORY AUTHORITY: 7 MRS §1303, §1307

PURPOSE: Rules governing livestock dealers

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Livestock owners and livestock dealers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

CHAPTER 203: Rules for the Participation in the Maine Chronic Wasting Disease Surveillance Program

STATUTORY AUTHORITY: 7 MRS §1821

PURPOSE: Rules governing the Maine Chronic Wasting Disease Surveillance Program

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Deer and Elk Industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

CHAPTER 204: Rule for the Licensing Requirements for Farmed Cervids

STATUTORY AUTHORITY: 7 MRS §1821

PURPOSE: Rules governing the licensing requirements for farmed cervids

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Deer and Elk Industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

CHAPTER 205: Rules Governing the Poultry Disease Control Fund

STATUTORY AUTHORITY: 7 MRS §1756 -§1757

PURPOSE: Rules governing the poultry disease control fund

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Poultry farmers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

CHAPTER 206: Prevention and Control of Certain Diseases of Domestic Animals and Poultry

STATUTORY AUTHORITY: 7 MRS §1752, §1812

PURPOSE: Rules governing the control of certain diseases of animals and poultry

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Livestock and poultry industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

CHAPTER 207: Control of Equine Infectious Anemia

STATUTORY AUTHORITY: 7 MRS §1820-A

PURPOSE: Rules governing the management of equine infectious anemia

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Equine owners

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

CHAPTER 208: Handling of Domestic Animal and Poultry Vaccines

STATUTORY AUTHORITY: 7 MRS §1752

PURPOSE: Rules governing animal and poultry vaccine use
SCHEDULE FOR ADOPTION: Prior to July 2023.
AFFECTED PARTIES: Livestock and poultry industry
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
michele.walsh@maine.gov

CHAPTER 209: Livestock Commission or Community Auctions

STATUTORY AUTHORITY: 7 MRS §1453
PURPOSE: Rules governing auctions
SCHEDULE FOR ADOPTION: Prior to July 2023.
AFFECTED PARTIES: Livestock auctions
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
michele.walsh@maine.gov

CHAPTER 216: RULES GOVERNING THE SALE OF DOGS AND CATS AND IMPORTATION OF DOGS AND CATS FOR RESALE OR ADOPTION

STATUTORY AUTHORITY: 7 MRS §1809
PURPOSE: Rules governing the sale of dogs and cat and importation of dogs and cats for resale or adoption
SCHEDULE FOR ADOPTION: Prior to July 2023
AFFECTED PARTIES: Animal Shelters and Rescues
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Rachael Fiske, 28 SHS, Augusta, Maine 04333, (207) 287-3846,
rachael.fiske@maine.gov

CHAPTER 220: Importation of Certain Deer into Maine

STATUTORY AUTHORITY: 7 MRS §1331
PURPOSE: Rules governing the importation of deer into Maine
SCHEDULE FOR ADOPTION: Prior to July 2023.
AFFECTED PARTIES: Deer farmers and commercial large game shooting area operations
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615,
michele.walsh@maine.gov

CHAPTER 226: Rules Governing the Administration of Certain Substances to Animals Entered in Pulling Competitions

STATUTORY AUTHORITY: 7 MRS §97.5
PURPOSE: The Commissioner will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.
AFFECTED PARTIES: Pulling teamsters, pull superintendents and the Pull Events Commission
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated
CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333 (207) 287-7535,
miles.greenleaf@maine.gov

CHAPTER 250: Rules for Certifying American Ginseng

STATUTORY AUTHORITY: 7 MRS §2225
PURPOSE: May amend the rules for licensing ginseng growers.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.

AFFECTED PARTIES: Ginseng farmers, dealers, buyers, and shippers of imported seed
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 252: Rules Governing the Certification of Seed Potatoes in the State of Maine

STATUTORY AUTHORITY: 7 MRS §§ 2101-2105
PURPOSE: May amend the list of diseases included in the certification program based on survey.
SCHEDULE FOR ADOPTION: Prior to July, 2023.
AFFECTED PARTIES: Seed potato producers in Maine
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Eric Hitchcock, 744 Main Street Suite 9, Presque Isle, Maine 04769, (207)764-2036, eric.hitchcock@maine.gov

CHAPTER 266: Hemlock Woolly Adelgid Quarantine

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303
PURPOSE: May amend the current quarantine against the Hemlock Woolly Adelgid to prevent its artificial spread in the State, to protect Maine's forest, timber and wildlife resources from this destructive pest.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.
AFFECTED PARTIES: Wood harvesters, nurseries, sawmills, paper mills, mulch dealers and the general public.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 267: License Fees to Sell Nursery Stock

STATUTORY AUTHORITY: 7 MRS §2171
PURPOSE: May revise the rules for selling or dealing in nursery stock.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023
AFFECTED PARTIES: Nursery owners
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 270: Maine Apiary Rules and Regulations

STATUTORY AUTHORITY: 7 MRS §§ 2701-2872
PURPOSE: May amend the current apiary rules.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.
AFFECTED PARTIES: Beekeepers, blueberry and apple producers, and the general public
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 272: European Larch Canker Quarantine

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303
PURPOSE: May amend a quarantine against the European Larch Canker to conform to the requirements of the federal European Larch Canker quarantine.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.

AFFECTED PARTIES: Saw mills, nurseries, and the general public
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 273: Criteria for Listing Invasive Terrestrial Plants

STATUTORY AUTHORITY: 7MRS §§ Section 221, Chapter 405-A
PURPOSE: May amend the rules to add to the list of plants restricted from sale or import.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.
AFFECTED PARTIES: Nurseries, greenhouses and the general public.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 274: Rules for Growing Industrial Hemp

STATUTORY AUTHORITY: 7MRS §§ 2231, Chapter 406-A
PURPOSE: May amend the rules to allow for indoor growing, fee changes and additional rules to license processors or manufacturers.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.
AFFECTED PARTIES: Potential hemp growers
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 275: Emerald Ash Borer Quarantine

STATUTORY AUTHORITY: 7 MRS §§ 2301-2303
PURPOSE: May amend the current quarantine against the Emerald Ash Borer to prevent its artificial spread in the State, to protect Maine's forest, timber and wildlife resources from this destructive pest.
SCHEDULE FOR ADOPTION: Prior to December 31, 2023.
AFFECTED PARTIES: Wood harvesters, firewood dealers, nurseries, sawmills, paper mills and the general public.
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545,
gary.fish@maine.gov

CHAPTER 329: Rules Governing Maine Milk and Milk Products

STATUTORY AUTHORITY: 7 MRS §§ 2900-2910A., PL 1999
PURPOSE: Rules need revision to come into compliance with the 2017 U.S. FDA Pasteurized Milk Ordinance.
SCHEDULE FOR ADOPTION: Prior to July, 2023
AFFECTED PARTIES: Dairy farmers and milk processors
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841,
celeste.poulin@maine.gov

CHAPTER 330: Rules for Birch Syrup

STATUTORY AUTHORITY: 7 MRS c. 103, sub-c. 8-C
PURPOSE: Create rules governing the Production and Sale of Birch Syrup and Birch Syrup Products.
SCHEDULE FOR ADOPTION: Prior to September, 2023.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products derived from birch syrup.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 342: Rules for Cider

STATUTORY AUTHORITY: 7 MRS Chapter 103, Subchapter 1

PURPOSE: Create rules reflecting the change in cider definition in the last legislative session

SCHEDULE FOR ADOPTION: Prior to September, 2023.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, storing, packaging or marketing of products labeled as cider in the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 501: Weights and Measures Law

STATUTORY AUTHORITY: 10 MRS §§ 2621-2631 Subchapter 7-A

PURPOSE: These rules and authorizing legislation should be updated to adopt Handbook 133 Checking the Net Contents of Packaged Goods now that it is no longer part of Handbook 130 and is in fact a stand-alone handbook.

SCHEDULE FOR ADOPTION: Prior to December 31, 2022

AFFECTED PARTIES: Weights and Measures

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841, celeste.poulin@maine.gov

CHAPTER 600: Rules regarding disposal of cull potato piles

STATUTORY AUTHORITY: 7 MRS §1007-A

PURPOSE: To update the rules regarding disposal of cull potato piles

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Potato farmers, Department of Agriculture, Conservation & Forestry

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Mark Hedrich, 28 SHS, Augusta, Maine 04333, (207) 287-7608, mark.hedrich@maine.gov

CHAPTER 701: Rules for Governing Animal Welfare

STATUTORY AUTHORITY: 7 MRS §3906-B Section 10

PURPOSE: To ensure that only healthy animals, including birds, are offered for sale or adoption and that all animals, within the scope of the Commissioner's authority, shall receive proper care, housing facilities, disease control, records of sales and purchases, euthanasia records and licenses will be monitored by Animal Welfare.

SCHEDULE FOR ADOPTION: Prior to December, 2023.

AFFECTED PARTIES: Pet Stores, Breeding Kennels; Boarding Kennels; Equine Owners, Animal Shelters, Animal Control Officers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ronda Steciuk, 28 SHS, Augusta, Maine 04333, (207) 287-3846, ronda.steciuk@maine.gov

CHAPTER 702: Rules for the Low Income Spay/Neuter Program

STATUTORY AUTHORITY: 7 MRS §3910-B

PURPOSE: To implement a low-income spay/neuter program for cats and dogs, to establish eligibility requirements, veterinarian reimbursement and program administration.

SCHEDULE FOR ADOPTION: Prior to July, 2023.

AFFECTED PARTIES: Low income pet owners and participating veterinarians

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ronda Steciuk, 28 SHS, Augusta, Maine 04333, (207) 287-3846, ronda.steciuk@maine.gov

CHAPTER 751: Rules Governing Arborist Licensing, Testing and Enforcement in the State of Maine

STATUTORY AUTHORITY: 7 MRS §404, §§ 2173-2191

PURPOSE: May need to amend the current requirements adopted in 2006 to clarify certain provisions relating to the licensing of arborists in the State of Maine.

SCHEDULE FOR ADOPTION: Prior to December 31, 2023.

AFFECTED PARTIES: Individuals currently licensed or wishing to become licensed as arborists in the State of Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Gary Fish, 28 SHS, Augusta, Maine 04333, (207) 287-7545, gary.fish@maine.gov

CHAPTER 802: Rules Governing Disbursal of Challenge Grant Funds

STATUTORY AUTHORITY: 12 MRS §206

PURPOSE: Update and revise the rules governing the dispersal of challenge grant funds.

SCHEDULE FOR ADOPTION: Prior to Spring 2023.

AFFECTED PARTIES: Maine state soil and water conservation districts.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Tom Gordon, 28 SHS, Augusta, Maine 04333, (207) 287-4986, tom.gordon@maine.gov.

NEW RULE CHAPTER (# to be assigned): Rules Governing the Maine Cattle Health Assurance Program

STATUTORY AUTHORITY: 7 MRS §1309

PURPOSE: Rules governing the Maine Cattle Health Assurance Program

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Livestock industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Michele Walsh, 28 SHS, Augusta, Maine 04333, (207) 287-7615, michele.walsh@maine.gov

NEW RULE CHAPTER (# to be assigned): Designation of Potato Pests and Diseases; Seizure, Destruction, Disinfection

STATUTORY AUTHORITY: 7 MRS §§ 2351-2352

PURPOSE: May need to designate those potato pests and diseases which pose a threat to the Maine potato industry; provide for the control and eradication of such pests and diseases; and provide for the disinfection of any vehicles to prevent the spread of such pests and diseases.

SCHEDULE FOR ADOPTION: Prior to July, 2023.

AFFECTED PARTIES: Potato farmers in Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.
CONTACT PERSON: Eric Hitchcock, 28 SHS, Augusta, Maine 04333, (207) 764-2036,
eric.hitchcock@maine.gov

NEW RULE CHAPTER (# to be assigned): Veterinarian/Animal Shelter Serving as Dog Licensing Agent

STATUTORY AUTHORITY: 7 MRS §3923-F

PURPOSE: rules providing a process for identifying animal shelters and veterinarians who are willing to serve as dog licensing agents, for distributing license blanks, tags and stickers, and for the collection, distribution and deposit of license fees into the appropriate state accounts.

SCHEDULE FOR ADOPTION: Prior to July, 2023.

AFFECTED PARTIES: Animal Shelters, Veterinarians, Municipal Offices

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Ronda Steciuk, 28 SHS, Augusta, Maine 04333, (207) 287-3846,
ronda.steciuk@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules Governing the Farmers' Drought Relief Program

STATUTORY AUTHORITY: 7 MRS § 220-A

PURPOSE: Rules establishing the Farmers' Drought Relief Program, including grant eligibility requirements, grant application and award procedures and grant funding limits.

SCHEDULE FOR ADOPTION: Prior to December, 2023.

AFFECTED PARTIES: Agricultural Producers in Maine

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Nancy McBrady, 28 SHS, Augusta, Maine 04333, (207) 287-7522,
Nancy.mcbrady@maine.gov

NEW RULE CHAPTER (#to be assigned): Rules for Non-alcoholic Beverage Bottling

STATUTORY AUTHORITY: Title 32 Chapter 27, Sub-1-3

PURPOSE: Create rules governing the bottling of beverages in the State of Maine.

SCHEDULE FOR ADOPTION: Prior to September, 2023.

AFFECTED PARTIES: Commercial agricultural enterprises and businesses engaged in the producing, processing, bottling of beverages.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Celeste Poulin, 28 SHS, Augusta, Maine 04333, (207) 287-3841,
celeste.poulin@maine.gov

01-015

AGENCY UMBRELLA - UNIT NUMBER: **01-015**

AGENCY NAME: Department of Agriculture, Conservation and Forestry, **Maine Milk Commission**

CONTACT PERSON: Julie-Marie Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

Chapter 3, Schedule of Minimum Prices monthly

EXPECTED 2022-2023 RULE-MAKING ACTIVITIES:

CHAPTER 1: Orders

STATUTORY AUTHORITY: 7 MRS §§ 2952-A through 2989

PURPOSE: Reflect Commission rulings and legal interpretations, required records, price computations, container sizes, and other matters necessary to carry out *Maine Milk Commission Law*.

SCHEDULE FOR ADOPTION: Prior to October 1, 2023

AFFECTED PARTIES: Any or all segments of the dairy industry

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 2: Hearing Procedures

STATUTORY AUTHORITY: 7 MRS §§ 2952-A through 2989

PURPOSE: Amend present rules to reflect changing industry standards, new APA requirements, and/or to upgrade and modernize past practices.

SCHEDULE FOR ADOPTION: Prior to October 1, 2023

AFFECTED PARTIES: Commission, intervenors and industry

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 5: Dealer Cost Accounting and Reporting System

STATUTORY AUTHORITY: 7 MRS §§ 2952-A through 289

PURPOSE: Amend present rules to reflect changing industry standards, new APA requirements, and/or to upgrade and modernize past practices.

SCHEDULE FOR ADOPTION: Prior to October 1, 2023

AFFECTED PARTIES: Commission, intervenors and industry

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 6: Inspection of Records, Books and Accounts

STATUTORY AUTHORITY: 7 MRS §§ 2952-A through 2989

PURPOSE: Amend present rules to reflect changing industry standards, new APA requirements, and/or to upgrade and modernize past practices.

SCHEDULE FOR ADOPTION: Prior to October 1, 2023

AFFECTED PARTIES: Commission, intervenors and industry

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 13 and 27: Retail Cost Studies & Retail Margins

STATUTORY AUTHORITY: 7 MRS §§ 2952-A through 2989

PURPOSE: Set new minimum retail margins according to cost study and hearing testimony.

SCHEDULE FOR ADOPTION: Prior to April 1, 2023

AFFECTED PARTIES: Retailers and consumers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 26: Producer Cost

STATUTORY AUTHORITY: 7 MRS §2953-2954

PURPOSE: Set minimum producer price based on Federal order and actual cost of production.

ANTICIPATED SCHEDULE: Prior to October 1, 2023

AFFECTED PARTIES: Producers, dealers, retailers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

CHAPTER 61: Maine Milk Pool Cost of Administration

STATUTORY AUTHORITY: 7 MRS §§ 2952-A through 2954 and 3154

PURPOSE: Set new cost of administration of Maine Milk Pool after public hearings and testimony.

SCHEDULE FOR ADOPTION: Prior to October 1, 2023

AFFECTED PARTIES: Processors and producers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules to Adjust the Milk Dealer License Fees

STATUTORY AUTHORITY: 7 MRS §2955 through §2956.

PURPOSE: Adjust the Fees charged for an annual Milk Dealer License

SCHEDULE FOR ADOPTION: Prior to October 1, 2023.

AFFECTED PARTIES: Milk Dealers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

NEW RULE CHAPTER (# to be assigned): Rules to Adjust the Maine Milk Commission Fees

STATUTORY AUTHORITY: 7 MRS §2956.

PURPOSE: Adjust the per hundredweight fees charged for to support the activities of the Maine Milk Commission

SCHEDULE FOR ADOPTION: Prior to October 1, 2023.

AFFECTED PARTIES: Maine dairy producers and Maine dairy processors & handlers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

CONTACT PERSON: Julie-Marie R. Bickford, 28 SHS, Augusta, Maine 04333, (207) 287-7521, julie-marie.bickford@maine.gov

01-017

AGENCY UMBRELLA-UNIT: **01-017**

AGENCY NAME: Maine Department of Agriculture, Conservation and Forestry, **Maine State Harness Racing Commission**

CONTACT PERSON: Shane Bacon, 28 SHS, Augusta, Maine 04333, (207) 287-3221, shane.bacon@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

CHAPTERS 1 through 21 and/or New Rule: Various Titles

STATUTORY AUTHORITY: 8 MRS §§ 263-A; 268, 275-C, 279-A and B, 281

PURPOSE: The Maine State Harness Racing Commission will continue to update its rules to meet the needs of an ever-changing industry.

SCHEDULE FOR ADOPTION: Prior to October 1, 2023.

AFFECTED PARTIES: Harness horse licensees, track owners and operators, pari-mutuel wagering facilities and those affiliated with the harness racing industry

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Shane Bacon, 28 SHS Augusta, ME 04333, (207) 287-3221, shane.bacon@maine.gov

AGENCY UMBRELLA-UNIT: **01-026**

AGENCY NAME: **Maine Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**

AGENCY CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333, (207) 287-2731, Megan.L.Patterson@maine.gov

RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

CHAPTER 10: Definitions and Terms

STATUTORY AUTHORITY: 22 MRS §§1471A-X

PURPOSE: In 1996, the Board consolidated all rule definitions in this Chapter. This chapter must be updated each time a new definition is added or amended. It received a series of housekeeping amendments in January 2005 and in 2012. The rule was amended in 2019 to change the definition of aerial applicator to allow for the use of UAS by those with agricultural pesticide applicator licenses. Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023

AFFECTED PARTIES: All individuals and businesses affected by the Board's rules.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731 Megan.L.Patterson@maine.gov

CHAPTER 20: Special Provisions

STATUTORY AUTHORITY: 22 MRS §§1471A-X

PURPOSE: In 2007, the Board amended Chapter 20 to clarify that authorization from the property owner is required prior to applying a pesticide. The Board passed an amendment in 2013 to eliminate the need for individual homeowner permission in the event of a public health threat. In 2014, a requirement was added for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. The Board may develop specific

duties that an employer must perform to protect their employees from occupational exposure to pesticides. These amendments may be modeled on the 2015 Federal Worker Protection Standard and the 2017 Federal Pesticide Applicator Certification Standard. In addition, Chapter 20 is a key chapter for the Board when it determines that additional regulation is in the public interest, so other amendments are also possible.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Applicators making outdoor treatments to residential properties; since this is already required by policy, there will be no real affect.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §§1471A-X

PURPOSE: Aerial spraying is a very controversial issue and the Board completed a major overhaul of this chapter in 2009 to provide greater protection for area residents. In 2013 the Board passed amendments to exempt the sections concerning Identifying and Recording Sensitive Areas, Presence of Humans and Animals, and certain specifics of Site Plans in the event of a public health threat. In 2014, the requirement of identifying sensitive areas was eliminated for commercial applications conducted under categories 6A (rights-of-way vegetation management), 6B (general vegetation management) and 7E (biting fly & other arthropod vectors [ticks]). Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All applicators making outdoor applications with powered application equipment.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 24: Pesticide Storage Facility Standards/Pesticide Distributors

STATUTORY AUTHORITY: 22 MRS § 1471-O and 7 MRSA § 610(2)(B)

PURPOSE: The Board has received letters expressing concern that odors and spilled chemicals may represent a health risk for both employees and customers who enter the self-service display areas of general-use pesticide distributors. In addition, inequities have been noted between the requirements for agricultural distributors versus the requirements for warehouse-style retailers. Finally, a few provisions are somewhat vague and would benefit from additional clarity. Consequently, the Board may adjust these standards to address concerns. Further issues may arise necessitating additional amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Pesticide retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 26: Standards for Indoor Application of Pesticides

STATUTORY AUTHORITY: 22 MRS §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this chapter during 2006 and it became effective in January of 2007. An amendment was made during 2007 to address concerns raised by

structural applicators. Concerns have arisen about the higher risk of indoor applications versus outdoor applications. Issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All structural pest control applicators, owners or managers of businesses, institutions and apartment houses, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 27: Standards for Pesticide Applications and Public Notification in Schools

STATUTORY AUTHORITY: 22 MRS §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this rule in 2003 and made some housekeeping amendments to it during 2005, 2007 and 2012. Several minor clarifications have been identified which should be addressed. Since use of pesticides on school grounds continues to garner legislative and public attention, further amendments may be necessary in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All public and private school systems as well as commercial applicators and all persons using school buildings and grounds.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 28: Notification Provisions for Outdoor Pesticide Applications

STATUTORY AUTHORITY: 22 MRS § 1471-M (2)(D)

PURPOSE: This rule was adopted in 1998 and slightly amended in 2000, 2007, 2011 and 2014. It contains all of the Board outdoor notification requirements. In 2014, it was amended to require posting for applications under categories 6B (general vegetation management) except when making applications to sidewalks and trails, power substations, and railroad sidings; and 7E (biting fly & other arthropod vectors [ticks]) and to require notice per Board policy for applications to sidewalks and trails under 6B (general vegetation management). The Maine Legislature recently enacted and subsequently repealed a pesticide notification registry. There is some sentiment indicating that additional legislative initiatives may be forthcoming on this subject, which would likely necessitate rulemaking. This chapter also needs some updating to reflect the evolution of its usage.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Pesticide applicators and persons who live near sprayed sites. Persons who believe they are sensitive to pesticides. Regulated parties include all commercial pesticide applicators, the landowners who hire them and anyone who applies pesticides outdoors in the vicinity of persons on the registry.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 29. Standards for Water Quality Protection

STATUTORY AUTHORITY: 22 MRS § 1471-M(2)(D)

PURPOSE: A recent federal court decision now requires applicators to work under a Maine Pollution Discharge Elimination System permit for certain outdoor pesticide applications that have the potential for a portion of the spray to deposit in surface water,

so Chapter 29 may need to be amended to address this change. In addition, the Board may look to exempt certain urgent applications from the 25-foot buffer requirement. Recently, concerns have arisen relative to pesticides and the marine environment. A current outbreak of browntail moth may necessitate amendments to this rule around products approved for use for control. Finally, water quality has emerged as one of the more significant environmental fate concerns with pesticides. These and additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Pesticide manufacturers, outdoor applicators, persons owning land next to surface water bodies and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 31: Certification and Licensing Provisions for Commercial Applicators

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: The Board amended this chapter during 2007 and 2014, but may find it necessary to revise this regulation again to accommodate new licensing software, streamline processes or deregulate certain types of pesticide applications. Several amendments were adopted in 2015. Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 32: Certification and Licensing Provisions for Private Applicators

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: The Board may amend any of its current regulations dealing with the examination, certification, licensing and relicensing of private applicators to accommodate new licensing software, streamline procedures and/or adjust the fees. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014. Changes to the federal certification and training requirements necessitated amendments, which were adopted in 2019. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 33: Certification Provisions/Private Applicators of General Use Pesticides

STATUTORY AUTHORITY: 2 MRS §§ 1471-D (2-D), 22 MRSA 1471-M (1) (C-1)

PURPOSE: This new rule was recently adopted to fulfill the requirements of Public Law 2011, Chapter 169 which requires pesticide applicator licensing for certain farmers who apply only general use pesticides. Since it is a newly adopted rule, experience may reveal some desirable upgrades. In addition, the potential for new licensing software may also necessitate changes. An amendment to reduce the waiting time for re-taking a failed exam was passed in 2014. Changes to the federal certification and training requirements

will necessitate amendments to this rule. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

Megan.L.Patterson@maine.gov

CHAPTER 34: Certification and Licensing Provisions for Pesticide Dealers

STATUTORY AUTHORITY: 2 MRS §§ 1471-D and S

PURPOSE: Amendments adopted in 2015 included shortening the wait time to re-take an exam after failing and changing both the license and certification periods to three years. Going forward, the Board may amend its current regulation to require pesticide dealers to have a company license in addition to having their employees licensed. Also, the license fee is outdated. Other changes may be necessary as the Board reviews all the licensing chapters with a view toward streamlining and simplifying procedures.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Pesticide distributors.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

Megan.L.Patterson@maine.gov

CHAPTER 35: Certification and Licensing Provisions for Spray Contracting Firms

STATUTORY AUTHORITY: 22 MRS §§ 1471-D and S

PURPOSE: In 2015 this chapter was amended to remove the requirements for spotters/monitors for forest insect aerial spray program. The license period was also changed in 2015 from two years to three. The Board may amend this chapter dealing with licensing and relicensing of firms to accommodate new licensing software, continue to streamline procedures and/or adjust fees.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

Megan.L.Patterson@maine.gov

CHAPTER 40: State Restricted Pesticide List

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2007 and may update its Restricted Use List by deleting products that are no longer registered. Also, it may be necessary to modify the list as a result of the Board's registration review process which may necessitate adding any products which present a unique threat to Maine's public health or the environment. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Pesticide manufacturers, pesticide applicators and environmental groups interested in pesticide issues.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731

Megan.L.Patterson@maine.gov

CHAPTER 41: Special Restrictions

STATUTORY AUTHORITY: 7 MRS §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2011 to relax some administrative burdens for the use of *Bt* corn seed, and in 2014 to reduce the restrictions on the use of

hexazinone. This is a key chapter for the Board to implement appropriate restrictions associated with certain pesticides or classes of pesticides that pose unique risks to Maine. There have been significant changes to this chapter in the last ten years, and additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All applicators and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 50: Reporting Requirements for Applicators and Dealers

STATUTORY AUTHORITY: 22 MRS §§ 1471-G and M

PURPOSE: The Board adopted several housekeeping amendments to this chapter in January 2005 and 2019. Changes to Chapters 22, 27 and 41 have created additional record keeping requirements that might be more appropriately incorporated in Chapter 50. Current rulemaking around the licensing chapters may also necessitate changes to record keeping requirements. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All private and commercial applicators, dealers and consumer or environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 51: Notice of Aerial Pesticide Applications

STATUTORY AUTHORITY: 22 MRS § 1471-R

PURPOSE: Legislative activity around pesticide notification may necessitate amendments to this chapter. The Board has expressed an interest in regulating unmanned aircraft systems, which may require amendments to this chapter. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Aerial applicators, paper companies, utility officials, and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

CHAPTER 60. Designation of Critical Pesticide Control Area

STATUTORY AUTHORITY: 22 MRS § 1471 - M (4)

PURPOSE: Upon receipt of a petition, the Board would be required to consider rulemaking to restrict pesticide usage within a designated area to protect public health, threatened or endangered species or their habitat, surface or ground water, or other environmental resources. During 2011, the Board repealed one of the two designated critical control areas since the subject of protected area no longer existed. Additional issues may arise necessitating further amendment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: Persons living within the requested area and all applicators wishing to do business within the designated zone.

CONSENSUS-BASED RULE DEVELOPMENT: The Board engaged in consensus-based rule development the last time a request was received and would likely try it again.

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

NEW RULE CHAPTER (# to be assigned): Unmanned Aircraft Systems, Unmanned Ground Systems, Other

STATUTORY AUTHORITY: 22 MRS §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board is considering implementing rules around both unmanned aircraft systems (UAS) and unmanned ground systems (UGS) for use in pesticide applications. Additional issues may arise necessitating adoption of a new rule chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2023.

AFFECTED PARTIES: All pesticide applicators and dealers, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Megan Patterson, 28 SHS, Augusta, Maine 04333 (207) 287-2731
Megan.L.Patterson@maine.gov

01-303

AGENCY UMBRELLA - UNIT NUMBER: **01-303**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry,
Pull Events Commission**

CONTACT PERSON: Miles Greenleaf, 28 SHS, Augusta, Maine 04333, (207) 287-7535,
miles.d.greenleaf@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITIES:

CHAPTER 15: Rules for Superintendents and Assistant Superintendents of Pull Events

STATUTORY AUTHORITY: 7 MRS §97.5 and §98

PURPOSE: The Pull Events Commission will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to July 2023.

AFFECTED PARTIES: Pulling teamsters, pull superintendents, and licensed venues that conduct pulling competitions

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333, (207) 287-7535,
miles.greenleaf@maine.gov

CHAPTER 226: Rules Governing the Administration of Certain Substances to Animals Entered in Pulling Competitions.

STATUTORY AUTHORITY: 7 MRS §97.5 and §98

PURPOSE: The Pull Events Commission will continue to make minor corrections and modifications that are needed to meet the needs of the pulling industry.

SCHEDULE FOR ADOPTION: Prior to October 2023.

AFFECTED PARTIES: Pulling teamsters, pull superintendents, and licensed venues that conduct pulling competitions

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Miles Greenleaf, 28 SHS Augusta, ME 04333, (207) 287-7535, miles.greenleaf@maine.gov

01-669

AGENCY UMBRELLA-UNIT NUMBER: **01-669**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Bureau of Forestry (aka Maine Forest Service)**

CONTACT PERSON FOR THE AGENCY: Don Mansius, 22 State House Station, Augusta, ME 04333, 287-2791, donald.j.mansius@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

CHAPTER 20: Forest Regeneration & Clearcutting Standards

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also to correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: Clarify permitting and variance procedures. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also to correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 23: Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 25: Standards for Placing Wood Into Stream Channels to Enhance Cold Water Fisheries Habitat

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Make rule standards consistent with federal program standards. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 26: Forest Operations Notification Standards

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 27: Standards for Timber Harvesting Activities within Unorganized and De-organized Areas of the State

STATUTORY BASIS: 12 MRS Chapter 206-A, Subchapter 2 and Chapter 805, Subchapter 3-A; Public Law 2011, Chapter 599.

PURPOSE: Amend current rule to conform current standards for certain activities with those set forth in Chapter 21 Rule (Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas), establish streamlined permit procedures for proposed timber harvesting activities in certain protection sub-districts within the unorganized and de-organized areas of the state, and clarify variance procedure. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 28: Regulation of the Transportation of Firewood

STATUTORY BASIS: 12 MRS §8305; Public Law 2009, Chapter 585.

PURPOSE: Regulate the transportation and movement of firewood into and within the state to reduce the risk of spreading invasive insect species.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Out-of-state visitors who use firewood, firewood dealers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Allison Kanoti, 22 SHS, Augusta, ME 04333-0022, 287-2791; allison.m.kanoti@maine.gov

CHAPTER 29: Fee Schedule

STATUTORY BASIS: 12 MRS §8867-F.

PURPOSE: Conform bureau fees to those collected by agencies with similar rules. If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 30: Prior Approval Process and Stop Work Orders

STATUTORY BASIS: 12 MRS c. 805, sub-c. 3-A.

PURPOSE: If rulemaking to consolidate definitions under a single rule proceeds, this rule will need to be amended to remove its definition section. Also correct errors and omissions in section references and general language cleanup.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 32: Spruce Budworm Management

STATUTORY BASIS: 12 MRS §8002(2), Chapter 803, Subchapter 4-A, and Chapter 805, Subchapter 3-A.

PURPOSE: To establish timber harvesting standards for forest areas that have significant risk of damage from spruce budworm and are subject to a credible threat of imminent spruce budworm damage.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius, 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.manius@maine.gov

CHAPTER 33: Definitions

STATUTORY BASIS: 12 MRS Chapter 803, Subchapter 4-A, and Chapter 805, Subchapter 3-A.

PURPOSE: To establish a common set of definitions that apply to all rules administered by the bureau.

SCHEDULE FOR ADOPTION: Final rules anticipated by late 2023.

AFFECTED PARTIES: Forest landowners

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius, 22 SHS, Augusta, ME 04333-0022, 287-2791; donald.j.mansius@maine.gov

CHAPTER 34: Private Party Burn Permit Software Requirements

STATUTORY BASIS: 12 MRS §9327

PURPOSE: To establish requirements for private party burn permit software pursuant to Public Law 2017, Chapter 447, An Act to Amend the Laws Governing Issuance of Burn Permits.

SCHEDULE FOR ADOPTION: Final rules are anticipated by late 2023.

AFFECTED PARTIES: Municipalities, developers of private party burn permit software
CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.
CONTACT PERSON: Robby Gross, 22 SHS, Augusta, ME 04333-0022, 287-4990;
robby.gross@maine.gov

Chapter 35: Browntail Moth Mitigation Fund

STATUTORY BASIS: 12 MRS §8321

PURPOSE: To establish rules for distribution of funds for mitigation to areas impacted by browntail moth pursuant to Public Law 2022, Chapter 727, An Act To Provide Assistance to Areas Severely Infested with Browntail Moths.

SCHEDULE FOR ADOPTION: Final rules are anticipated by late 2022.

AFFECTED PARTIES: Government entities, non-profits, residents of and visitors to browntail moth infested areas.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Allison Kanoti, 87 Airport Road, Old Town, ME 04468, 827-1813;
Allison.m.kanoti@maine.gov

01-670

AGENCY UMBRELLA - UNIT NUMBER: **01-670**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717,
ron.hunt@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

CHAPTER 2: Rules for Recreational Use of the Allagash Wilderness Waterway

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803, 2.15

PURPOSE: Various changes to correct minor spelling errors and typos.

ANTICIPATED SCHEDULE: The rule making process will begin in Fall of 2022 anticipated to be completed in the Spring of 2023.

AFFECTED PARTIES: Canoeists, fishermen, hikers, and the general public

CONCENSUS -BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Mark Deroche, 106 Hogan Rd., Ste. 7, 4th Floor., Bangor, ME 04401,
(207) 941-4014, mark.deroche@maine.gov

CHAPTER 2: Rules for recreational use of the Allagash Wilderness Waterway

STATUTORY AUTHORITY: 12 MRS, Chapter 220 § 1803, 2.19 D.

PURPOSE: Add: The bureau may take action to protect AWW resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park superintendent or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in July of 2022 and is anticipated to be completed in the spring of 2023.

AFFECTED PARTIES: Campers, Snowmobilers, fishermen, and the general public

CONCENSUS -BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Mark Deroche, 106 Hogan Rd., Ste. 7, 4th Floor., Bangor, ME 04401, (207) 941-4014, mark.deroche@maine.gov

CHAPTER 2: Rules for State Parks and Historic Sites

STATUTORY AUTHORITY: 12 MRS, Chapter 220 § 1803, 20, b.).

PURPOSE: Add: The bureau may take action to protect state park & historic site resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park manager or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in July of 2022 and is anticipated to be completed in the spring of 2023.

AFFECTED PARTIES: Campers, Snowmobilers, fishermen, and the general public

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717, ron.hunt@maine.gov

CHAPTER 3: Rules for Navigational Aids

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1894

PURPOSE: Modify Rules and Regulations for the Aids to Navigation System.

ANTICIPATED SCHEDULE: The rule making process will begin July of 2022 and is anticipated to be completed in the spring of 2023.

AFFECTED PARTIES: Boating public and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Thomas Linscott, 22 SHS Augusta, ME 04333, (207) 287-6830, Thomas.Linscott@maine.gov

CHAPTER 4: Rules and Regulations Governing Boating Facilities

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1803

PURPOSE: Modify Rules of Conduct at Boat Launching Facilities.

ANTICIPATED SCHEDULE: The rule making process will begin in July of 2022 and is anticipated to be completed in the spring of 2023.

AFFECTED PARTIES: Boating public and political subdivisions

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Thomas Linscott, 22 SHS Augusta, ME 04333, (207) 287-6830, Thomas.Linscott@maine.gov

CHAPTER 5: Rules and Regulations for Lunch and Campsites in Penobscot Corridor, Lobster Lake and Chesuncook Lake.

STATUTORY AUTHORITY: 12 MRS, Chapter 220 § 1803, 20, b.).

PURPOSE: Add: The bureau may take action to protect state park resources, to protect public health and safety, to provide security, to avoid user conflicts, or for other reasons deemed necessary. A park manager or designee may exclude a person who violates any state park or historic site rule for a specified period of time.

ANTICIPATED SCHEDULE: The rule making process will begin in Fall 2022 and is anticipated to be completed in the spring of 2023.

AFFECTED PARTIES: Campers, Snowmobilers, fishermen, and the general public

CONSENSUS –BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Ron Hunt, 22 SHS, Augusta, Maine 04333, (207) 287-4717, ron.hunt@maine.gov

CHAPTER 7: Rules for Snowmobile Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 § 1893, paragraph 3

PURPOSE: Establish the Bureau's Grants-in-Aid program, identify the procedures for making grants-in-aid to political subdivisions for the construction and/or maintenance of snowmobile trails.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2022 anticipated to be completed in the fall of 2023.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS -BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Lana LaPlant-Ellis, 22 SHS Augusta, ME 04333, (207) 287-5574, Lana.LaPlant-Ellis@maine.gov

CHAPTER 8: Rules for Snowmobile Club Trail Maintenance Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 3

PURPOSE: Establish the Bureau's process that qualified snowmobile clubs use to apply for grants, and the terms and the conditions of these grants.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2022 and is anticipated to be completed in the fall of 2023.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS -BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Lana LaPlant-Ellis, 22 SHS Augusta, ME 04333, (207) 287-5574, Lana.LaPlant-Ellis@maine.gov

CHAPTER 9: Rules for Snowmobile Capital Equipment Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 937, 13104-4

PURPOSE: Establish the Bureau's Snowmobile Capital Equipment Grant in Aid Program and its associated Capital Equipment Fund, identify the application and scoring process for qualified snowmobile clubs or political subdivisions and to define the terms and the conditions of these Grants.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2022 and is anticipated to be completed in the fall of 2023.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS -BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Lana LaPlant-Ellis, 22 SHS Augusta, ME 04333, (207) 287-5574, Lana.LaPlant-Ellis@maine.gov

CHAPTER 15: Rules for General ATV Trail Guidance. ATV Trail Program Insurance

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's process to provide for the wise and orderly management of ATVs and the funding allocated to individual clubs.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2022 and is anticipated to be completed in the spring/summer of 2023.

AFFECTED PARTIES: ATV clubs, political subdivisions and landowners.

CONCENSUS -BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958, Brian.N.Bronson@maine.gov

CHAPTER 18: Rules for ATV Municipal Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's Grants-in-Aid Program, identify the procedures for making grants-in-aid to political subdivisions for the construction and/or maintenance of ATV trails.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2022 and is anticipated to be completed in the spring/summer of 2023.

AFFECTED PARTIES: ATV clubs and political subdivisions

CONCENSUS -BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958, Brian.N.Bronson@maine.gov

CHAPTER 160: Rules for ATV Club Trail Maintenance Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRS, Chapter 220 §1893, paragraph 2.

PURPOSE: Establish the Bureau's process that qualified ATV clubs use to apply for grants, and the terms and the conditions of these grants.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2022 and is anticipated to be completed in the spring/summer of 2023.

AFFECTED PARTIES: ATV clubs and political subdivisions

CONCENSUS -BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Brian Bronson, 22 SHS Augusta, ME 04333, (207) 287-4958, Brian.N.Bronson@maine.gov

CHAPTER 53: Submerged Land Rules

STATUTORY AUTHORITY: 12 MRS §§ 1801, 1803, and 1862

PURPOSE: These rules need to be amended to establish updated definitions, procedures and application fees.

ANTICIPATED SCHEDULE: Completed by Spring of 2023.

AFFECTED PARTIES: Users of coastal waters and publicly owned submerged lands.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: John Noll, 22 SHS Augusta, ME 04333, (207) 287-4919, john.noll@maine.gov

CHAPTER 54: Rules for Bear Baiting on Public Lands

STATUTORY AUTHORITY: 12 MRS ss 1802

PURPOSE: May amend the rules to allow for a periodic review of permit fees and/or a standard price inflator; and may amend the rules regarding penalties to allow for an appeal process.

SCHEDULE FOR ADOPTION: The rule making process will begin in January of 2023 and is anticipated to be completed in the spring of 2023.

AFFECTED PARTIES: Individual and Commercial Bear Hunters

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Sarah Spencer, 650 State St., Bangor, ME, 04401, (207) 592-1039, sarah.m.spencer@maine.gov

New Rule Chapter (# to be assigned): Rules for Determining a Substantial Alteration of Use Pursuant to 12 MRS 598-C

STATUTORY AUTHORITY: 12 MRS, Chapter 202-D §598-C

PURPOSE: Adopt rules to establish an objective evaluation process for determining if a proposed activity on land designated under this chapter and under the jurisdiction of the bureau would cause the land to be reduced or the uses of the land to be substantially altered.

ANTICIPATED SCHEDULE: The rulemaking process will begin in fall/winter of 2022 and is anticipated to be completed in the Summer of 2023

AFFECTED PARTIES: Users and advocates for public land.

CONSENSUS-BASED RULE DEVELOPMENT: Not-contemplated; rules are major-substantive.

CONTACT PERSON: Andy Cutko, State House Station 22, Augusta ME 04333. 207-592-4149, andy.cutko@maine.gov

01-672

AGENCY UMBRELLA - UNIT NUMBER: **01-672**

AGENCY NAME: **Department of Agriculture, Conservation and Forestry, Land Use Planning Commission**

CONTACT PERSON: Timothy Beaucage, 22 SHS, Augusta, Maine 04333, (207) 931-6974, timothy.beaucage@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

CHAPTER 10: Land Use Districts and Standards, NRPA-related Changes

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to improve resource protection in LUPC jurisdiction consistent with that provided under the Natural Resource Protection Act in organized areas of the state, as required by the NRPA statute.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2023 adopt amendments by July 2023; submit for legislative review during January 2024.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Corinne Michaud-LeBlanc, 22 State House Station, Augusta, ME 04333-0022; 207-557-2535, corinne.michaud-leblanc@maine.gov

CHAPTER 10: Land Use Districts and Standards, Miscellaneous Changes

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Chapter 10 rules establish land use subdistricts and land use standards for lands within the unorganized and de-organized areas of the state. They need to be updated periodically to address issues which become obvious through experience gained from applying current rules, as well as to correct errors, ensure consistency with recently enacted legislation, update references as appropriate, and make other changes to Chapter 10. Examples of changes to be considered include updating standards governing nonconformity, updating road and road crossing standards, updating clearing standards, updating water withdrawal standards, updating the recreational lodging rules as more experience is gained in applying them, updating language regarding mining, updating standards to address marijuana law changes, improving consistency in terminology, adding areas to the list of DACSS, changing the terminology for bridge reconstruction and certain other development in flood prone areas, and updating standards for lighting.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2023; adopt amendments by July 2023; submit for legislative review during January 2024.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov

CHAPTER 10: Land Use Districts and Standards, New Standards for Certain Development Activities

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be promulgated to address current research, policy concepts, and new standards for small and mid-sized solar energy generation facilities, short-term rentals, accessory dwelling units, accessory structures, and water withdrawals.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2023; adopt amendments by July 2023; submit for legislative review during January 2024.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ben Godsoe, 22 State House Station, Augusta, ME 04333-0022; 207-592-6429; Benjamin.Godsoe@maine.gov

CHAPTER 10: Land Use Districts and Standards, Climate Change Related Updates, Including Standards for Activities in Flood Prone Areas

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Rules need to be reviewed and updated to address the recommendations of “Maine Won’t Wait, a Four-year Plan for Climate Action” released in December 2020 by the Maine Climate Council. In particular, rules need to be promulgated to revise standards for development in flood prone areas in accordance with the National Flood Insurance Program and consistent, where possible, with changes to standards adopted in the organized areas of the state.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2023; adopt amendments by July 2023; submit for legislative review during January 2024.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Carr, 22 State House Station, Augusta, ME 04333-0022; 207-287-4930, Tim.Carr@maine.gov

CHAPTER 10: Land Use Districts and Standards, Moosehead Region Planning Project

STATUTORY BASIS: 12 MRS §685-A(3) and §685-C(5)

PURPOSE: Implementation of rule changes pursuant to a regional planning process that provided policy direction on land use in the Moosehead Region. Changes may include revisions to the Location of Development criteria, and the removal of primary and secondary areas in several townships and around several Management Class 3 lakes.

SCHEDULE FOR ADOPTION: Issue proposed amendments by October 2022; adopt amendments by January 2023; submit for legislative review during January 2024.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Two-year, community-driven regional planning process

CONTACT PERSON: Stacy Benjamin, 22 State House Station, Augusta, ME 04333-0022; 207-287-2631; Stacy.Benjamin@maine.gov

CHAPTER 2: Definitions

STATUTORY BASIS: 12 MRS §§ 685-A(3) and 685-C(5)

PURPOSE: Chapter 2 establishes definitions pertinent to the Commission's land use regulations. This rule needs to be updated periodically to address issues which become obvious through experience gained from applying current rules, as well as to correct errors, ensure consistency with recently enacted legislation, update references as appropriate, and make other changes to Chapter 2.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2023; adopt amendments by July 2023.

AFFECTED PARTIES: Property owners and others who hold interests in lands within the unorganized and de-organized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated/not warranted.

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov.

CHAPTER 4: Rules of Practice, Miscellaneous Changes

STATUTORY BASIS: 12 MRS §684 and §685-C(5)

PURPOSE: Chapter 4 establishes rules of procedure pertinent to the Commission's zoning and permitting processes. Periodic updates to this rule are warranted to address issues that become obvious through experience gained from applying current rules, as well as to correct errors, update references as appropriate, and make other revisions to the Commission's procedures.

SCHEDULE FOR ADOPTION: Issue proposed amendments by April 2023; Consideration of comments received and possible adoption in August 2023.

AFFECTED PARTIES: The proposed changes could affect all individuals proposing development in the unorganized and deorganized areas of the state and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-931-6974, timothy.beaucage@maine.gov