**01**

**DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**22 and 28 State House Stations**

**Augusta, Maine 04333**

**(207) 287-3200**

**2014-2015 Regulatory Agenda**

**Prepared:**

**August 11, 2014**

**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**

**01-670: Off Road Recreational Vehicle Office**

**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:** Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909, [mari.wells@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\mari.wells@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2014-2015 RULEMAKING ACTIVITY:**

**CHAPTER 30**: Quarantine (Potato)

STATUTORY AUTHORITY: 7 MRSA §§ 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, 2015

AFFECTED PARTIES: Potato farmers, dealers, buyers, and shippers of imported seed.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

*Information on Chapter 31 added November 7, 2014*

**CHAPTER 31**: Rules for Operation of Potato Marketing Improvement Fund

STATUTORY AUTHORITY: 7 MRSA §12, 10 MRSA § 1023-N

PURPOSE: Make changes to the rules governing the operation of the Potato Marketing Improvement Fund.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Potato industry.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E‑mail: [ellis.additon@maine.gov](file:///C:\Documents%20and%20Settings\don.wismer\Local%20Settings\Temporary%20Internet%20Files\Content.Outlook\HE4FCYU8\ellis.additon@maine.gov)

**CHAPTER 33**: Rules for Operation of the Agricultural Development Grant Program

STATUTORY AUTHORITY: 7 MRSA §10, §§ 306A – 309

PURPOSE: Make changes to rules for the operation of the Agricultural Development Grant Program to make the program more accessible and transparent.

SCHEDULE FOR ADOPTION: Prior to July 2015

AFFECTED PARTIES: All persons eligible to apply for a grant through the program, including, but not limited to farmers, farm organizations and agencies/associations that support farmers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

**CHAPTER 201**: Rules Governing Licensed Livestock Dealers

STATUTORY AUTHORITY: 7 MRSA §1303, §1307

PURPOSE: Rules governing livestock dealers

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Livestock owners and livestock dealers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

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

STATUTORY AUTHORITY: 7 MRSA §1821

PURPOSE: Rules governing the Maine Chronic Wasting Disease Surveillance Program

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Deer and Elk Industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**CHAPTER 204**: Rule for the Licensing Requirements for Farmed Cervids

STATUTORY AUTHORITY: 7 MRSA §1821

PURPOSE: Rules governing the licensing requirements for farmed cervids

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Deer and Elk Industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**CHAPTER 205**: Rules Governing the Poultry Disease Control Fund

STATUTORY AUTHORITY: 7 MRSA §1756-§1757

PURPOSE: Rules governing the poultry disease control fund

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Poultry farmers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

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

STATUTORY AUTHORITY: 7 MRSA §1752, §1812

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

SCHEDULE FOR ADOPTION: Prior to July 1, 2015

AFFECTED PARTIES: Livestock and poultry industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**CHAPTER 207**: Control of Equine Infectious Anemia

STATUTORY AUTHORITY: 7 MRSA §1820-A

PURPOSE: Rules governing the management of equine infectious anemia

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Equine owners

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**CHAPTER 208**: Handling of Domestic Animal and Poultry Vaccines

STATUTORY AUTHORITY: 7 MRSA §1752

PURPOSE: Rules governing animal and poultry vaccine use

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Livestock and poultry industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**CHAPTER 209**: Livestock Commission or Community Auctions

STATUTORY AUTHORITY: 7 MRSA §1453

PURPOSE: Rules governing auctions

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Livestock auctions

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574, [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

**CHAPTER 220**: Importation of Certain Deer into Maine

STATUTORY AUTHORITY: 7 MRSA §1331

PURPOSE: Rules governing the importation of deer into Maine

SCHEDULE FOR ADOPTION: Prior to July, 2015

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. E-mail: [michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

**CHAPTER 221**: Cervids Importation Embargo

STATUTORY AUTHORITY: 7 MRSA §1331

PURPOSE: Rules governing the importation embargo of cervids into Maine

SCHEDULE FOR ADOPTION: Repeal by July, 2015

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. E-mail: [michele.walsh@maine.gov](mailto:michele.walsh@maine.gov)

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

STATUTORY AUTHORITY: 7 MRSA §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: July 1, 2014 to October 1, 2015

AFFECTED PARITES: Pulling teamsters, pull superintendents and the Pull Events Commission

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry Jackson, 28 SHS Augusta, ME 04333 (207) 287-3221. E-mail: [henry.jackson@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\henry.jackson@maine.gov)

**CHAPTER 253**: Official Seed Potato Grade for Maine Certified Seed Potatoes

STATUTORY AUTHORITY: 7 MRSA §§ 2101-2105

PURPOSE: May amend the current standards to meet the official description of the Maine Seed Potato Grade.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Seed potato producers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

**CHAPTER 255**: Imported Seed Potatoes

STATUTORY AUTHORITY: 7 MRSA §§ 2101-2105

PURPOSE: May establish or amend standards required for the importation of seed potatoes for planting within Maine.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Potato farmers, dealers, buyers, and shippers of imported seed.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.  
CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

**CHAPTER 257**: Rules Governing the Establishment and Operation of Seed Potato Production Areas

STATUTORY AUTHORITY: 7 MRSA §2103-B

PURPOSE: May amend the current provisions relating to production practices and enforcement in a seed potato production area.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Seed potato producers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.  
CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

**CHAPTER 261**: Field Seed Certification

STATUTORY AUTHORITY: 7 MRSA §§2101-2104  
PURPOSE: May amend the standards governing production, certification, testing, storing and preparation for sale of field seed to update and bring the rule into conformance with the Federal Seed Act.  
SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Seed grain producers in Maine.  
CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ellis.additon@maine.gov)

**CHAPTER 267**: License Fees to Sell Nursery Stock

STATUTORY AUTHORITY: 7 MRSA §2171

PURPOSE: May revise the fee for a license to sell or deal in nursery stock.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Nursery owners.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602, E-mail: [ann.gibbs@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ann.gibbs@maine.gov)

**CHAPTER 268**: Pine Shoot Beetle Quarantine

STATUTORY AUTHORITY: 7 MRSA §§ 2301-2303

PURPOSE: May amend the quarantine against the Pine Shoot Beetle to include additional areas under quarantine.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Saw mills, nurseries, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602. E-mail: [ann.gibbs@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ann.gibbs@maine.gov)

**CHAPTER 270**: Maine Apiary Rules and Regulations

STATUTORY AUTHORITY: 7 MRSA §§ 2701-2872

PURPOSE: May amend the current apiary rules to clarify certain provisions relating to Africanized Honey bees and other honey bee diseases and parasites in Maine.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Beekeepers, blueberry and apple producers, and the

general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.  
CONTACT PERSON: Anthony M. Jadczak, 28 SHS, Augusta, Maine 04333, (207) 287-7562. E-mail: [anthony.m.jadczak@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\anthony.m.jadczak@maine.gov)

**CHAPTER 271**: Gypsy Moth QuarantineSTATUTORY AUTHORITY: 7 MRSA §§ 2301-2303

PURPOSE: May amend a quarantine against the Gypsy Moth to conform to the requirements of the federal Gypsy Moth quarantine.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Saw mills, nurseries, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.  
CONTACT PERSON: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602. E-mail:, [ann.gibbs@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ann.gibbs@maine.gov)

**CHAPTER 272**: European Larch Canker QuarantineSTATUTORY AUTHORITY: 7 MRSA §§ 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 July, 2015

AFFECTED PARTIES: Saw mills, nurseries, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602. E-mail: [ann.gibbs@maine.gov](file:///\\cec-server2003\drive%20e\WEB%20SITE\cec\rules\agendas\agenda15\ann.gibbs@maine.gov)

**CHAPTER 329**: Rules Governing Maine Milk and Milk Products

STATUTORY AUTHORITY: 7 MRSA §§ 2900-2910A., PL 1999

PURPOSE: Rules need revision to come into compliance with the 2011 U.S. FDA Pasteurized Milk Ordinance.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Dairy farmers and milk processors

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Steven Giguere, 28 SHS, Augusta, Maine 04333, (207) 287-3841 . E-mail: [steve.giguere@maine.gov](mailto:steve.giguere@maine.gov)

**CHAPTER 345**: Home Food Manufacturing

STATUTORY AUTHORITY: 10 MRSA §2625, 22 MRSA §§ 2153, 2157.9B, 2168, 2169, 2176

PURPOSE: These rules should be updated to reflect current advancements in food science to better address food safety concerns in order to protect the public health.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Home food manufacturers and processors.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

CONTACT PERSON: Steven Giguere, 28 SHS, Augusta, Maine 04333, (207) 287-3841. E-mail: [steve.giguere@maine.gov](mailto:steve.giguere@maine.gov)

**CHAPTER 360**: Rules Governing Returnable Beverage Containers

STATUTORY AUTHORITY: 32 MRSA §§ 1861-1872

PURPOSE: Incorporate new (2013) legislative changes including quantity measurement rules, clarification and updating of relevant sections, and reduction of fees for small producers.

SCHEDULE FOR ADOPTION: Prior to July, 2015.

AFFECTED PARTIES: Bottle manufacturers, distributors, dealers, initiators of deposit, contracted agents and redemption centers.

CONSENSUS-BASED RULE DEVELOLPMENT: Not anticipated.

CONTACT PERSON: Ronald Dyer, 28 SHS, Augusta, Maine 04333, (207) 287-7522, E-mail: [ron.dyer@maine.gov](mailto:ron.dyer@maine.gov)

**CHAPTER 701**: Rules for Governing Animal Welfare

STATUTORY AUTHORITY: 7 MRSA §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 July, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Liam R. Hughes, 28 SHS, Augusta, Maine 04333, (207) 287-5531. E-mail: [liam.hughes@maine.gov](mailto:liam.hughes@maine.gov)

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

STATUTORY AUTHORITY: 7 MRSA §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, 2015

AFFECTED PARTIES: Low income pet owners and participating veterinarians

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Liam R. Hughes, 28 SHS, Augusta, Maine 04333, (207) 287-5531. E-mail: [liam.hughes@maine.gov](mailto:liam.hughes@maine.gov)

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

STATUTORY AUTHORITY: 7 MRSA §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 July, 2015

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: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602. E-mail: [ann.gibbs@maine.gov](mailto:ann.gibbs@maine.gov)

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

STATUTORY AUTHORITY: 7 MRSA §1309

PURPOSE: Rules governing the Maine Cattle Health Assurance Program

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Livestock industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**NEW RULE CHAPTER (# to be assigned)**: Non-released Potato Varieties

STATUTORY AUTHORITY: 7 MRSA §2103-A

PURPOSE: May need to establish procedures to ensure that seed potato growers who are certifying non-released potato varieties have been authorized to do so.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Seed potato growers who produce non-released potato varieties and potato breeders.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

CONTACT PERSON: Ellis Additon, 28 SHS, Augusta, Maine 04333, (207) 287-7574. E-mail: [ellis.additon@maine.gov](mailto:ellis.additon@maine.gov)

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

STATUTORY AUTHORITY: 7 MRSA §§ 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, 2015

AFFECTED PARTIES: Potato farmers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ann Gibbs, 28 SHS, Augusta, Maine 04333, (207) 287-7602. E-mail: [ann.gibbs@maine.gov](mailto:ann.gibbs@maine.gov)

**NEW RULE CHAPTER (# to be assigned)**: Veterinarian/Animal Shelter serving as dog licensing agent

STATUTORY AUTHORITY: 7 MSRA §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, 2015

AFFECTED PARTIES: Animal Shelters, Veterinarians, Municipal Offices

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Liam Hughes, 28 SHS, Augusta, Maine 04333, (207) 287-5531. E-mail: [liam.hughes@maine.gov](mailto:liam.hughes@maine.gov)

**01-015**

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

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

**CONTACT PERSON**: Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909. E-mail: [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**:

**Chapter 3**, Schedule of Minimum Prices monthly

**EXPECTED 2014-2015 RULE-MAKING ACTIVITIES:**

**CHAPTER 1**: Interstate Conference and Compacts

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2954

PURPOSE: Enter into agreements with other Northeastern states for special conferences and or compacts for regulation of the dairy industry.

SCHEDULE FOR ADOPTION: Prior to October 1, 2014

AFFECTED PARTIES: Any or all segments of the dairy industry.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 2**: Hearing Procedures

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2954

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, 2014

AFFECTED PARTIES: Commission, intervenors and industry.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 5**: Milk Commission Monthly Forms

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A-2954

PURPOSE: Adopt regular reporting forms to meet needs of Commission and Milk Pool.

SCHEDULE FOR ADOPTION: Prior to October 1, 2014

AFFECTED PARTIES: Farmers, dealers and retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 6**: Inspection of Records, Books and Accounts

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2954

PURPOSE: Adopt or amend rule to inspect industry records, books, accounts and any matter relating to the dairy industry and the setting of minimum prices.

SCHEDULE FOR ADOPTION: Prior to October 1, 2014

AFFECTED PARTIES: Farmers, dealers and retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 11** *and* **25**: Hauling and Transportation Costs

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2954

PURPOSE: Set minimums/maximums on hauling and transportation cost.

SCHEDULE FOR ADOPTION: Prior to October 1, 2014

AFFECTED PARTIES: Farmers, dealers, retailers, and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 26:** Producer Cost

STATUTORY AUTHORITY: 7 MRSA §§ 2953-2954

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

ANTICIPATED SCHEDULE: Prior to October 1, 2015

AFFECTED PARTIES: Producers, dealers, retailers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 13** *and* **27**: Retail Margins

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2954

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

SCHEDULE FOR ADOPTION: Prior to October 1, 2014

AFFECTED PARTIES: Retailers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 29**: Dealer Margins

STATUTORY AUTHORITY: 7 MRSA §§ 2952-A through 2954

PURPOSE: Set new minimum dealer margins based on latest cost study and public hearings and testimony.

SCHEDULE FOR ADOPTION: Prior to October 1, 2014

AFFECTED PARTIES: Dealers and consumers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@maine.gov)

**CHAPTER 61**: Maine Milk Pool Cost of Administration

STATUTORY AUTHORITY: 7 MRSA §§ 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, 2014

AFFECTED PARTIES: Processors and producers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521. E-mail: [tim.drake@maine.gov](mailto:tim.drake@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**: Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909. E-mail: [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY**:

**CHAPTERS 1** through **21**: Various Titles

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

PURPOSE: The Maine State Harness Racing Commission will continue to make minor corrections and modifications that are needed to meet the needs of an ever-changing industry.

SCHEDULE FOR ADOPTION: July 1, 2014 to October 1, 2015

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: Henry Jackson, 28 SHS Augusta, ME 04333, (207) 287-3221. E-mail: [henry.jackson@maine.gov](mailto:henry.jackson@maine.gov)

**01-026**

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

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

**AGENCY CONTACT PERSON:** Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909. E-mail: [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:

**CHAPTER 20**: Special Provisions

STATUTORY AUTHORITY: 22 MRSA §1471A-X

PURPOSE: Surveillance by the Maine CDC in 2012 indicated an escalating public health threat from mosquito borne viruses in Maine for the late summer and fall of 2012. Under Maine’s Arboviral Illness Surveillance, Prevention and Response Plan, the Maine CDC might have recommended wide-area mosquito control programs in targeted areas of the state. These programs would be very difficult to conduct under current state law, since it requires authorization from individual land owners. The amendment relaxed the need for individual property owner authorization when the Maine CDC recommends mosquito spraying due to viral disease threats.

DATE OF ADOPTION: 2013 Resolve Chapter 87 became law without the Governor’s signature. The Board will vote to adopt at the August 8, 2014 Board meeting.

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

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

PURPOSE: Surveillance by the Maine CDC in 2012 indicated an escalating public health threat from mosquito borne viruses in Maine for the late summer and fall of 2012. Under Maine’s Arboviral Illness Surveillance, Prevention and Response Plan, the Maine CDC might have recommended wide-area mosquito control programs in targeted areas of the state. Certain sections of Chapter 22 would make these spray programs difficult so they were exempted when the Maine CDC recommends mosquito spraying due to viral disease threats. The sections to be exempted include Identifying and Recording Sensitive Areas, Presence of Humans and Animals, and certain specifics of Site Plans, which would not be practical in an emergency situation.

DATE OF ADOPTION: 2013 Resolve Chapter 88 became law without the Governor’s signature. The Board will vote to adopt at the August 8, 2014 Board meeting.

**CHAPTER 51**: Notice of Aerial Pesticide Applications

STATUTORY AUTHORITY: 22 MRSA §1471-R

PURPOSE: Surveillance by the Maine CDC in 2012 indicated an escalating public health threat from mosquito borne viruses in Maine for the late summer and fall of 2012. Under Maine’s Arboviral Illness Surveillance, Prevention and Response Plan, the Maine CDC might have recommended wide-area mosquito control programs in targeted areas of the state. Since notice is effectively handled in Chapter 20 for these programs, it was determined that most of Chapter 51 was redundant, but the requirement for notice to the Board and the Maine Poison Control Center was retained.

DATE OF ADOPTION: 2013 Resolve Chapter 86 became law without the Governor’s signature. The Board will vote to adopt at the August 8, 2014 Board meeting.

**RULES CURRENTLY IN THE RULEMAKING PROCESS** (Public Hearing August 8, 2014/Written Comments accepted until August 22, 2014)

**CHAPTER 20**: Special Provisions

STATUTORY AUTHORITY: 22 MRSA §1471A-X

PURPOSE: Add a requirement for applicators making outdoor treatments to residential properties to implement a system to positively identify application sites in a manner approved by the Board. This requirement is currently in policy.

SCHEDULE FOR ADOPTION: Prior to December 5, 2014

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: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

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

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

PURPOSE: Eliminate the requirement of identifying sensitive areas for commercial applications conducted under categories 6A (rights-of-way vegetation management), 6B (industrial/commercial/municipal vegetation management) and 7E (biting fly & other arthropod vectors [ticks]). Applications conducted under category 6A and to sidewalks and trails under category 6B will require the applicator to implement a drift management plan.

 SCHEDULE FOR ADOPTION: Prior to December 5, 2014

AFFECTED PARTIES: Applicators making outdoor applications within these categories.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 28**: Notification Provisions for Outdoor Pesticide Applications

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

PURPOSE: Add to the list of categories that require posting: 6B (industrial/commercial/municipal vegetation management) except when making applications to sidewalks and trails, and 7E (biting fly & other arthropod vectors [ticks]). Require advance notice be published in a newspaper for applications conducted under 6A (rights-of-way vegetation management), and to sidewalks and trails under 6B (industrial/commercial/municipal vegetation management). This aligns with the proposed amendments to Chapter 22, eliminating the requirement for mapping sensitive areas, in lieu of posting or public notice.

SCHEDULE FOR ADOPTION: Prior to December 5, 2014

AFFECTED PARTIES: Pesticide applicators and persons who live near sprayed sites.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 31**: Certification and Licensing Provisions for Commercial Applicators

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

PURPOSE: Three amendments are proposed:

1. Clarify that certain applications are exempt from commercial licensing requirements. These are currently in policy:

* Adults applying repellents to children with the written consent of parents/guardians;
* Persons installing antimicrobial metal hardware.

2. Exempt aerial applicators certified in other states from passing a written regulation exam and allow for issuance of reciprocal licensing when the staff determines that an urgent pest issue exists and when staff verbally reviews pertinent Maine laws with the applicator.

3. Shorten the time period a person must wait before re-taking an exam they have failed to 6 days.

SCHEDULE FOR ADOPTION: Prior to December 5, 2014

AFFECTED PARTIES: All persons attempting to become licensed by the Board as commercial applicators; all persons attempting to become licensed by the Board as commercial applicators for aerial applications in the event of an urgent pest issue.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 32**: Certification and Licensing Provisions for Private Applicators

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

PURPOSE: Shorten the time period a person must wait before re-taking an exam they have failed to 6 days.

SCHEDULE FOR ADOPTION: Prior to December 5, 2014

AFFECTED PARTIES: All persons attempting to become licensed by the Board as private applicators.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

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

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

PURPOSE: Shorten the time period a person must wait before re-taking an exam they have failed to 6 days.

SCHEDULE FOR ADOPTION: Prior to December 5, 2014

AFFECTED PARTIES: All persons attempting to become licensed by the Board as private applicators of general use pesticides (agricultural basic license).

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 41**: Special Restrictions

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

PURPOSE: Eliminate the restrictions on hexazinone relative to pesticide distributors and air-assisted application equipment.

SCHEDULE FOR ADOPTION: Prior to December 5, 2014

AFFECTED PARTIES: All applicators who purchase and/or use products containing hexazinone and the distributors who sell them.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY**:

**CHAPTER 10**: Definitions and Terms

STATUTORY AUTHORITY: 22 MRSA §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 to one of the subsequent chapters. It received a series of housekeeping amendments in January 2005 and in 2012. Issues raised during discussions in 2012 indicate that there are a couple of definitions which still need to be refined.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 20**: Special Provisions

STATUTORY AUTHORITY: 22 MRSA §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. An amendment to require positive identification of application sites is currently under consideration. In addition, 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 1992 Federal Worker Protection 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, 2015

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: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

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

STATUTORY AUTHORITY: 7 MRSA §§ 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. An amendment to eliminate the requirement of identifying sensitive areas for certain applications in residential areas is currently under consideration. Further experience with the new rule may reveal the need to make minor modifications.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 24**: Pesticide Storage Facility Standards/Pesticide Distributors

STATUTORY AUTHORITY: 22 MRSA §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 dealers. In addition, discrepancies 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.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

AFFECTED PARTIES: Pesticide retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 26**: Standards for Indoor Application of Pesticides

STATUTORY AUTHORITY: 22 MRSA §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. Questions about the scope of this rule arose during 2011. Further refining may be necessary as applicators adjust to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

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

STATUTORY AUTHORITY: 22 MRSA §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. Since use of pesticides on school grounds continues to be a hotly contested subject, further amendments may be necessary in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 28**: Notification Provisions for Outdoor Pesticide Applications

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

PURPOSE: This rule was adopted in 1998 and slightly amended in 2000, 2007 and 2011. It contains all of the Board outdoor notification requirements. An amendment to require posting for certain outdoor applications, and newspaper notice for others is currently under consideration. 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, 2015

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: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 29**: Standards for Water Quality Protection

STATUTORY AUTHORITY: 22 MRSA §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 for that purpose. In addition, the Board may look to exempt certain urgent applications from the 25-foot buffer requirement. Finally, water quality has emerged as one of the more prevalent environmental fate concerns with pesticides. All of these issues suggest a possible need to amend this chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 31**: Certification and Licensing Provisions for Commercial Applicators

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

PURPOSE: The Board amended this chapter during 2007, but may find it necessary to revise this regulation to accommodate new licensing software, streamline processes or deregulate certain types of pesticide applications. Several amendments (see above) are currently under consideration.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 32**: Certification and Licensing Provisions for Private Applicators

STATUTORY AUTHORITY: 2 MRSA §§ 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, firms, and monitors and spotters 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 is currently under consideration.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

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

STATUTORY AUTHORITY: 2 MRSA §§ 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 is currently under consideration.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 34**: Certification and Licensing Provisions for Pesticide Dealers

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

PURPOSE: 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.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

AFFECTED PARTIES: Pesticide distributors.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTERS 35** *and* **36**: Certification and Licensing Provisions for Firms, and Monitors and Spotters

STATUTORY AUTHORITY: 2 MRSA §§ 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, firms, and monitors and spotters to accommodate new licensing software, streamline procedures and/or adjust the fees. Due to changes in the technology around wide-area aerial spraying, Chapter 36 may now be largely obsolete.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 40**: State Restricted Pesticide List

STATUTORY AUTHORITY: 7 MRSA §§ 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 and, if necessary, modifying the list as a result of the Board’s registration review process. The review process may necessitate adding any products which present a unique threat to Maine’s public health or the environment.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 41**: Special Restrictions

STATUTORY AUTHORITY: 7 MRSA §§ 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. 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. An amendment changing the requirements around hexazinone is currently under consideration. There have been significant changes to this chapter in the last five years, and additional amendments are likely in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

AFFECTED PARTIES: All applicators and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 50**: Reporting Requirements for Applicators and Dealers

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

PURPOSE: The Board adopted several housekeeping amendments to this chapter in January 2005. Recent changes to Chapters 22, 27 and 41 have created additional record keeping requirements that might be more appropriately incorporated in Chapter 50.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 51**: Notice of Aerial Pesticide Applications

STATUTORY AUTHORITY: 22 MRSA §1471-R

PURPOSE: Legislative activity around pesticide notification may necessitate amendments to this chapter.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**CHAPTER 60**: Designation of Critical Pesticide Control Area

STATUTORY AUTHORITY: 22 MRSA §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.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**NEW RULE CHAPTER (# to be assigned)**: Pesticide Use Reduction

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

PURPOSE: The Board is continuing to investigate ways to implement the 1997 state policy to minimize reliance on pesticides. The Board may be asked to adopt standards to expand integrated pest management (IPM) practices, certify practitioners of IPM, or implement provisions around sustainable practices certifications.

SCHEDULE FOR ADOPTION: Prior to September 30, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**01-303**

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

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

**CONTACT PERSON**: Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909, [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA**: None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITIES:**

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

STATUTORY AUTHORITY: 7 MRSA §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: July 1, 2014 to October 1, 2015

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

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Henry Jackson, 28 SHS Augusta, ME 04333, (207) 287-3221 CONTACT PERSON: Henry S. Jennings, 28 SHS, Augusta, Maine 04333 (207) 287-2731. E-mail: [henry.jennings@maine.gov](mailto:henry.jennings@maine.gov)

**01-669**

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

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

**CONTACT PERSON FOR THE AGENCY:** Mari Wells-Eagar, 22 State House Station, Augusta, ME 04333, 287-4909. E-mail: [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY:**

**CHAPTER 20**: Forest Regeneration and Clearcutting Standards(Amendments).

STATUTORY BASIS: 12 M.R.S. Chapter 805, sub-chapters 3-A and 5; Public Law 2011, Chapter 532.

PURPOSE: Amend current rule to clarify notification and reporting procedures for conducting a timber harvest that results in a change of land use.

SCHEDULE FOR ADOPTION: The rulemaking process will begin in early 2014. Final rules are anticipated by fall 2014.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 287-2791. E-mail: [donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

**CHAPTER 21**: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas STATUTORY BASIS: 12 M.R.S, chapter 805, subchapter 3-A; Public Laws 2003, chapter 335; Public Laws 2013, chapter 570

PURPOSE: Amend current rule to permit and permit by rule procedures for stream and wetland crossings associated with timber harvesting activities.

SCHEDULE FOR ADOPTION: The rulemaking process will begin in fall 2014. Final rules are anticipated by summer 2015.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 287-2791. E-mail: [donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

**CHAPTER 27**: Standards for Timber Harvesting Activities within Unorganized and Deorganized Areas of the State

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

PURPOSE: Amend current rule to establish streamlined permit procedures for proposed timber harvesting activities in certain protection subdistricts within the unorganized and deorganized areas of the state.

SCHEDULE FOR ADOPTION: The rulemaking process will begin in fall 2014. Final rules are anticipated by summer 2015.

AFFECTED PARTIES: Forest landowners and managers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 287-2791. E-mail: [donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

**CHAPTER 28**: Regulation of the Transportation of Firewood

STATUTORY BASIS: 12 M.R.S. Chapter 803, §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: The rulemaking process will begin in early 2015. Final rules are anticipated by fall 2015.

AFFECTED PARTIES: Campers, firewood dealers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Dave Struble; 287-2791. E-mail: [dave.struble@maine.gov](mailto:dave.struble@maine.gov)

**CHAPTER 30**: Requirements for Prior Approval of Timber Harvesting by Prior Violators of Unlawful Cutting Law

STATUTORY BASIS: 12 M.R.S. §8869-A; Public Law 2013, Chapter 412.

PURPOSE: To establish a prior approval process for harvesting trees by a person that has committed two violations of unlawful cutting of trees pursuant to Title 17, section 2510, subsection 1.

SCHEDULE FOR ADOPTION: The rulemaking process will begin in summer 2014. Final rules are anticipated by fall 2014.

AFFECTED PARTIES: Loggers and forest landowners.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Donald Mansius; 287-2791. E-mail: [donald.j.mansius@maine.gov](mailto:donald.j.mansius@maine.gov)

**CHAPTER 31**: Quarantine and Destruction of Forest and Shade Tree Pest Host Material

STATUTORY BASIS: 12 M.R.S. Chapter 803, §8306; Public Law 2001, Chapter 547; Public Law 2011, Chapter 657.

PURPOSE: To develop rules authorizing the Maine Forest Service to quarantine and destroy forest and shade tree pest host material.

SCHEDULE FOR ADOPTION: The rulemaking process will begin in 2014. Final rules are anticipated by spring 2015.

AFFECTED PARTIES: Forest landowners and shade tree owners.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Dave Struble; 287-2791. E-mail: [dave.struble@maine.gov](mailto:dave.struble@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**: Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909. E-mail: [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA**: None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY:**

**CHAPTER 2**: Rules for Allagash Wilderness Waterway: (Foot trails)

STATUTORY AUTHORITY: 12 MRSA §1803(6)

PURPOSE: To add and delete authorized foot trails to and from the watercourse from the current rules. Add the following trails: The Sandy Point Trail (T11 R13), The Ice Caves Trail from Allagash Lake, Portage trail from Telos Dam to Webster Lake. Delete the Priestly Mountain Trail. These changes adopted in the updated Allagash Wilderness Waterway management plan.

SCHEDULE FOR ADOPTION: Prior to July, 2015

AFFECTED PARTIES: Visitors using the Allagash Wilderness Waterway.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CONTACT PERSON: Tom Morrison, 22 SHS, Augusta, ME 04333, (207) 287-4717. E-mail: [tom.morrison@maine.gov](mailto:tom.morrison@maine.gov)

**CHAPTER 53**: Submerged Land Rules

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

PURPOSE: These rules need to be amended to establish an annual rent fee schedule for renewable ocean energy projects located in state waters.

SCHEDULE FOR ADOPTION: Prior to July, 2015.

AFFECTED PARTIES: Potential renewable ocean energy project developers and other users of coastal waters and public submerged lands.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Dan Pritchard, 22 SHS Augusta, ME 04333, (207) 287-4919. E-mail: [dan.prichard@maine.gov](mailto:dan.prichard@maine.gov)

AGENCY UMBRELLA – UNITNUMBER**: 01-670**

AGENCY NAME: Department of Agriculture, Conservation and Forestry, **Off Road Recreational Vehicle Office**

**CONTACT PERSON:** Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909. E-mail: [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

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

STATUTORY AUTHORITY: 12 MRSA, Chapter 220 §1804, paragraph 6

PURPOSE: Establish the Bureau’s Capital Equipment Grants-in-Aid Program, identify the process and define the terms and conditions for making capital equipment grants-in-aid to snowmobile clubs and political subdivisions.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2014 anticipated to be completed in the spring of 2015.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS –BASED RULE DEVELPOMENT: Contemplated

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

**CHAPTER 10**: Rules for Snowmobile Disaster Relief Grant-In-Aid Program

STATUTORY AUTHORITY: 12 MRSA, Chapter 220 §1804, paragraph 6

PURPOSE: Establish the Bureau’s Disaster Relief Grants-in-Aid Program, identify the process and define the terms and conditions for making disaster relief grants-in-aid to snowmobile clubs and political subdivisions for the remediation of catastrophic events that significantly impact the Interconnecting Trail System (ITS) connectivity.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2014 anticipated to be completed in the spring of 2015.

AFFECTED PARTIES: Snowmobile clubs and political subdivisions

CONCENSUS –BASED RULE DEVELPOMENT: Contemplated

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

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

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

**CONTACT PERSON:** Mari Wells-Eagar, 22 SHS, Augusta, ME 04333-0022; 207-287-4909. E-mail: [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

**EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA:** None

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY:**

**CHAPTER 4**: Rules of Practice

STATUTORY BASIS: 12 MRSA §684, §685-A(3), and §685-C(5)

PURPOSE: Chapter 4 rules need to be updated periodically 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 minor revisions to Chapter 4.

SCHEDULE FOR ADOPTION: Issue proposed amendments if needed by August 2015; adopt amendments by December 2015; submit for legislative review during January 2016.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and deorganized areas of the state. The proposed changes will affect all individuals proposing development in the unorganized and deorganized areas of the state.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Samantha Horn Olsen, 22 State House Station, Augusta, ME 04333-0022; 207-287-2932. E-mail: [samantha.horn-olsen@maine.gov](mailto:samantha.horn-olsen@maine.gov)

**CHAPTER 10: Land Use Districts and Standards,** **Recreational Lodging**

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

PURPOSE: In the past year the Commission adopted revisions of Chapter 10 rules to update and facilitate the regulation of recreational lodging facilities in the unorganized and deorganized areas of the state. The rulemaking effort included a public stakeholder process and resulted in extensive changes to Chapter 10. The experience gained administering the revised rules may reveal needed changes to the rules to clarify regulatory procedures or standards.

SCHEDULE FOR ADOPTION: Issue proposed amendments by December 2014; adopt amendments by May 2015; submit for legislative review during January 2016.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and deorganized areas of the state. The proposed changes will affect individuals proposing recreational lodging facilities development.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-287-4894. E-mail: [timothy.beaucage@maine.gov](mailto:timothy.beaucage@maine.gov)

**CHAPTER 10**: Land Use Districts and Standards, Enhancement of Regulatory Efficiency

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

PURPOSE: Chapter 10 rules establish land use standards for lands within the unorganized and deorganized areas of the state. Methods to increase efficiencies in the review and permitting of development will be considered, such as revising the subdivision design and layout standards, expanding the application of provisions regarding level 2 subdivisions, handling certain activities by permit-by-rule or its equivalent, and reviewing nonconforming use and other provisions to consider revisions consistent with Shoreland Zoning Guidelines reviewed in recent years by a Department of Environmental Protection stakeholders group and the Maine Legislature.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2015; adopt amendments by June 2015; submit for legislative review during January 2016.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and deorganized areas of the state.

CONSENSUS-BASED RULE DEVELOPMENT: Expected July 2014 – January 2015

CONTACT PERSON: Samantha Horn Olsen, 22 State House Station, Augusta, ME 04333-0022; 207-287-2932. E-mail: [samantha.horn-olsen@maine.gov](mailto:samantha.horn-olsen@maine.gov)

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

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

PURPOSE: Rules need to be promulgated to provide 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 2015; adopt amendments by June 2015; submit for legislative review during January 2016.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and deorganized areas of the state.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Stacie Beyer, 108 Hogan Road, Suite 8, Bangor, ME 04401; 207-941-4593, . E-mail: [Stacie.R.Beyer@maine.gov](mailto:Stacie.R.Beyer@maine.gov)

**CHAPTER 10**: Land Use Districts and Standards, Miscellaneous Changes

STATUTORY BASIS: 12 MRSA §685-A(3) and §695-C(5)

PURPOSE: Chapter 10 rules establish land use standards for lands within the unorganized and deorganized 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 error, update references as appropriate, and make other minor changes to Chapter 10. Examples of changes to be considered include updating road setback requirements and standards governing nonconformity, adding a reference to waters closed to motorized recreational gold prospecting, and changing the terminology for bridge reconstruction and certain other development in flood prone areas.

SCHEDULE FOR ADOPTION: Issue proposed amendments by March 2015; adopt amendments by October 2015; submit for legislative review during January 2016.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and deorganized areas of the state.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Samantha Horn Olsen, 22 State House Station, Augusta, ME 04333-0022; 207-287-2932. E-mail: [samantha.horn-olsen@maine.gov](mailto:samantha.horn-olsen@maine.gov)

**CHAPTER 10**: Land Use Districts and Standards, Community Guided Planning and Zoning Changes

STATUTORY BASIS: 12 MRSA §685-A(3) and §695-C(5)

PURPOSE: Chapter 10 rules establish land use standards for lands within the unorganized and deorganized areas of the state. Through the community guided planning and zoning initiative, regions within the state have undertaken prospective planning and zoning, which includes review of existing Chapter 10 land use standards. Rule revisions flowing from the community guided planning and zoning initiative are anticipated.

SCHEDULE FOR ADOPTION: Issue proposed amendments by August 2015; adopt amendments by December 2015; submit for legislative review during January 2016.

AFFECTED PARTIES: Landowners and others who hold interests in lands within the unorganized and deorganized areas of the state.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Hugh Coxe, 22 State House Station, Augusta, ME 04333-0022; 207-287-2662. E-mail: [Hugh.Coxe@maine.gov](mailto:Hugh.Coxe@maine.gov)

AGENCY UMBRELLA-UNIT: **01-683**

AGENCY NAME: Maine Department of Agriculture, Conservation and Forestry**, Land for Maine’s Future Program**

**AGENCY CONTACT PERSON:** Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333,

(207) 287-4909, [mari.wells@maine.gov](mailto:mari.wells@maine.gov)

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

**EXPECTED 2014-2015 RULEMAKING ACTIVITY:**

**CHAPTER 353**: Rules for Operation of the Land for Maine’s Future Program

STATUTORY AUTHORITY: 5MRSA, §§ 6202 – 6210

PURPOSE: May establish rules related to conveyance of land and rights in land (easements, leases and other) in LMF-funded properties, pursuant to takings (condemnation) or grant of rights for public and private purposes. Such rules will identify the procedures to be followed by applicants and LMF board, including compensation to the LMF fund, or replacement land, as approved by majority vote of the LMF Board.

SCHEDULE FOR ADOPTION: Prior to July 2016

AFFECTED PARTIES: Any entity seeking use or rights in property acquired with voter approved LMF bond funds, including state and federal agencies, municipalities, public utilities and private interests.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Ed Meadows, 28 SHS, Augusta, Maine 04333, (207) 287-7576. E-mail: [ed.meadows@maine.gov](mailto:ed.meadows@maine.gov)