**01**

**Department of Agriculture, Conservation and Forestry**

**22 and 28 State House Stations**

**Augusta, Maine 04333**

**(207) 287-3200**

**2018-2019 Regulatory Agenda**

**Prepared:**

**August 9, 2018**

**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:** Mari Wells-Eagar, 22 SHS, Augusta, Maine 04333, (207) 287-4909, Mari.Wells@Maine.gov

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

**EXPECTED 2018-2019 RULEMAKING ACTIVITY:**

**New Rule CHAPTER (#to be assigned): Land-Based Aquaculture**

STATUTORY AUTHORITY: 7 M.R.S. §2, 4th ¶, as amended by PL 2011, c. 655, Pt. MM, §5 and affected by §26. 7 M.R.S. §52, sub- §3-A, as amended by PL 2011 c. 608, §2.

PURPOSE: Establish rules and fees for Land-Based Aquaculture permitting.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

AFFECTED PARTIES: Land-Based Aquaculture businesses and interested parties.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CONTACT PERSON: Michele Walsh, DVM, 28 SHS, Augusta, Maine 04333 (207)287-7615 michele.walsh@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 M.R.S. §1758.

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

SCHEDULE FOR ADOPTION: Prior to June, 2019.

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 M.R.S. Sec. 1. c. 8-A, sub-c. 3

PURPOSE: Establish and promote a local foods procurement program.

SCHEDULE FOR ADOPTION: Prior to July, 2019

AFFECTED PARTIES: Farmers, food and seafood processors and public institutions. CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

CONTACT PERSON: Agricultural Resources Director, 28 SHS, Augusta, Maine 04333, (207) 287-7522, ron.dyer@maine.gov

**CHAPTER 10: Rules for the Agricultural Compliance Program**

STATUTORY AUTHORITY: 7 M.R.S. §12; 17 M.R.S. §2701-B; 17 M.R.S. §2805

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

SCHEDULE FOR ADOPTION: Prior to June, 2018

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 M.R.S. §§ 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, 2019.

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 M.R.S. §12, 10 M.R.S. §1023-N

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

SCHEDULE FOR ADOPTION: Prior to September, 2018

AFFECTED PARTIES: Potato industry.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CONTACT PERSON: Ron Dyer, 28 SHS, Augusta, Maine 04333, (207) 287-7522, ron.dyer@maine.gov

**CHAPTER 122: Fee Schedule for Inspection of Agricultural Commodities**

STATUTORY AUTHORITY: 7 M.R.S., 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, 2019

AFFECTED PARTIES: Commodities growers, producers and shippers

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

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

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

STATUTORY AUTHORITY: 7 M.R.S. §1303, §1307

PURPOSE: Rules governing livestock dealers

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §1821

PURPOSE: Rules governing the Maine Chronic Wasting Disease Surveillance Program

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §1821

PURPOSE: Rules governing the licensing requirements for farmed cervids

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §1756 -§1757

PURPOSE: Rules governing the poultry disease control fund

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §1752, §1812

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

SCHEDULE FOR ADOPTION: Prior to July 1, 2018

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 M.R.S. §1820-A

PURPOSE: Rules governing the management of equine infectious anemia

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §1752

PURPOSE: Rules governing animal and poultry vaccine use

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §1453

PURPOSE: Rules governing auctions

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §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, 2018

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 M.R.S. §1331

PURPOSE: Rules governing the importation of deer into Maine

SCHEDULE FOR ADOPTION: Prior to July, 2018

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 M.R.S. §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 Fall 2018

AFFECTED PARITES: 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 M.R.S. §2225

PURPOSE: May amend the fees for licensing ginseng growers.

SCHEDULE FOR ADOPTION: Prior to July, 2019

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 M.R.S. §§ 2101-2105

PURPOSE: May amend the list of diseases included in the certification program based on survey.

SCHEDULE FOR ADOPTION: Prior to July, 2019.

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 267: License Fees to Sell Nursery Stock**

STATUTORY AUTHORITY: 7 M.R.S. §2171

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

SCHEDULE FOR ADOPTION: Prior to July, 2019

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](file:///C%3A%5CDocuments%20and%20Settings%5Cdon.wismer%5CLocal%20Settings%5CTemporary%20Internet%20Files%5CContent.Outlook%5CHE4FCYU8%5Cann.gibbs%40maine.gov)

**CHAPTER 268: Pine Shoot Beetle Quarantine**

STATUTORY AUTHORITY: 7 M.R.S. §§ 2301-2303

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

SCHEDULE FOR ADOPTION: Prior to July, 2019

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](file:///C%3A%5CDocuments%20and%20Settings%5Cdon.wismer%5CLocal%20Settings%5CTemporary%20Internet%20Files%5CContent.Outlook%5CHE4FCYU8%5Cann.gibbs%40maine.gov)

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

STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2019

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 271: Gypsy Moth Quarantine**STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2019

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](file:///C%3A%5CDocuments%20and%20Settings%5Cdon.wismer%5CLocal%20Settings%5CTemporary%20Internet%20Files%5CContent.Outlook%5CHE4FCYU8%5Cann.gibbs%40maine.gov)

**CHAPTER 272: European Larch Canker Quarantine**STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2019

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](file:///C%3A%5CDocuments%20and%20Settings%5Cdon.wismer%5CLocal%20Settings%5CTemporary%20Internet%20Files%5CContent.Outlook%5CHE4FCYU8%5Cann.gibbs%40maine.gov)

**CHAPTER 273: Criteria for Listing Invasive Terrestrial Plants**

STATUTORY AUTHORITY: 7 M.R.S. §221, Chapter 405-A

PURPOSE: May amend the rules to include a list of plants restricted from sale.

SCHEDULE FOR ADOPTION: Prior to July, 2019

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: 7 M.R.S. §§ 2231, Chapter 406-A

PURPOSE: May amend the rules to allow for indoor growing.

SCHEDULE FOR ADOPTION: Prior to July, 2019

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 M.R.S. §§ 2301-2303

PURPOSE: This chapter establishes a 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 July, 2019

AFFECTED PARTIES: Wood harvesters, firewood dealers, nurseries, saw mills, 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 M.R.S. §§ 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, 2019

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 345: Home Food Manufacturing**

STATUTORY AUTHORITY: 10 M.R.S. §2625, 22 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Home food manufacturers and processors

CONSENSUS-BASED RULE DEVELOPMENT: 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 M.R.S. §§ 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 July, 2019

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 M.R.S. §1007-A

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

SCHEDULE FOR ADOPTION: Prior to July 2019

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 M.R.S. §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, 2019

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, liam.hughes@maine.gov

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

STATUTORY AUTHORITY: 7 M.R.S. §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, 2019

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, liam.hughes@maine.gov

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

STATUTORY AUTHORITY: 7 M.R.S. §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, 2019

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

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

STATUTORY AUTHORITY: 7 M.R.S. §1309

PURPOSE: Rules governing the Maine Cattle Health Assurance Program

SCHEDULE FOR ADOPTION: Prior to July, 2018

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): Non-released Potato Varieties**

STATUTORY AUTHORITY: 7 M.R.S. §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, 2019

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

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

CONTACT PERSON: Eric Hitchcock, 28 SHS, Augusta, Maine 04333, (207) 764-2036, eric.hitchcock@maine.gov

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

STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2019

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 M.R.S. §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, 2019

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, 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, mari.wells@maine.gov

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

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITIES:**

**CHAPTER 1: Interstate Conference and Compacts**

STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2018

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, tim.drake@maine.gov

**CHAPTER 2: Hearing Procedures**

STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2018

AFFECTED PARTIES: Commission, intervenors and industry

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**CHAPTER 13 and 27: Retail Margins**

STATUTORY AUTHORITY: 7 M.R.S. §§ 2952-A through 2954

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

SCHEDULE FOR ADOPTION: Prior to October 1, 2019

AFFECTED PARTIES: Retailers and consumers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

**CHAPTER 29: Dealer Margins**

STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2018

AFFECTED PARTIES: Dealers and consumers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

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

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

STATUTORY AUTHORITY: 7 M.R.S. §§ 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, 2019

AFFECTED PARTIES: Processors and producers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Drake, 28 SHS, Augusta, Maine 04333, (207) 287-7521, 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, mari.wells@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

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

STATUTORY AUTHORITY: 8 M.R.S. §§ 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, 2019

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 Jennings, 28 SHS Augusta, ME 04333, (207) 287-3221, henry.jennings@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, mari.wells@maine.gov

RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY**:

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

STATUTORY AUTHORITY: 22 M.R.S. §1471A-X and 7 M.R.S. §§ 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.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019

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

**CHAPTER 10: Definitions and Terms**

STATUTORY AUTHORITY: 22 M.R.S. §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. Issues raised since 2012 indicate that there are a couple of definitions which still need to be refined. Changes to the federal certification and training requirements will necessitate amendments to this rule. Rulemaking around unmanned aircraft systems may necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 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. 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, 2019.

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 M.R.S. §§ 601-625 and 22 M.R.S. §§ 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 (industrial/commercial/municipal vegetation management) and 7E (biting fly & other arthropod vectors [ticks]). Further experience with the revised rule may reveal the need to make additional modifications. Rulemaking around unmanned aircraft systems (UAS) or unmanned ground systems (UGS) may necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §1471-O and 7 M.R.S. §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.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 1471A-X and 7 M.R.S. §§ 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. Further refining may be necessary for this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 1471A-X and 7 M.R.S. §§ 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, 2019.

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 M.R.S. §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. Rulemaking around unmanned aircraft systems (UAS) or unmanned ground systems (UGS) may necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §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. Finally, water quality has emerged as one of the more significant environmental fate concerns with pesticides. All of these issues suggest a possible need to amend this chapter. Rulemaking around unmanned aircraft systems (UAS) or unmanned ground systems (UGS) may necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 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 will necessitate amendments to this rule. Rulemaking around unmanned aircraft systems (UAS) or unmanned ground systems (UGS) may necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 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 will necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 1471-D (2-D), 22 M.R.S. 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.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 1471-D and S

PURPOSE: Amendments adopted in 2015 included shortening the wait time to retake 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, 2019.

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: 2 M.R.S. §§ 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, 2019.

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 36: Certification and Licensing Provisions for Monitors and Spotters for Forest Insect Aerial Spray Program**

STATUTORY AUTHORITY: 2 M.R.S. §§ 1471-D and S

PURPOSE: Due to changes in statute, this chapter will need to be repealed.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 601-625 and 22 M.R.S. §§ 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.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 601-625 and 22 M.R.S. §§ 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 amendments are likely in the future.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 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. Current rulemaking around the licensing chapters may also necessitate changes to record keeping requirements. Rulemaking around unmanned aircraft systems (UAS) or unmanned ground systems (UGS) may necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §1471-R

PURPOSE: Legislative activity around pesticide notification may necessitate amendments to this chapter. Rulemaking around unmanned aircraft systems (UAS) may necessitate amendments to this rule.

SCHEDULE FOR ADOPTION: Prior to September 30, 2019.

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 M.R.S. §§ 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, 2019.

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

**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

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITIES:**

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

STATUTORY AUTHORITY: 7 M.R.S. §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 2019

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 M.R.S. §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 2019

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:** Mari Wells-Eagar, 22 State House Station, Augusta, ME 04333, 287-4909, mari.wells@maine.gov

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

**CHAPTER 27: Standards for Timber Harvesting Activities within Unorganized and De-organized 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 sub-districts within the unorganized and de-organized areas of the state. Also correct errors in section references and general language cleanup.

SCHEDULE FOR ADOPTION: The rulemaking process could begin in early 2019. Final rules are anticipated by late 2019.

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 M.R.S. §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 could begin in late 2018. Final rules are anticipated by early 2019.

AFFECTED PARTIES: Campers, firewood dealers

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

**CHAPTER 32: Spruce Budworm Management**

STATUTORY BASIS: 12 M.R.S. §8002(2), 12 M.R.S. Chapter 803, Subchapter 4-A, and 12 M.R.S. 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: The rulemaking process could begin in late 2018. Final rules are anticipated by late 2019.

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 M.R.S. Chapter 803, Subchapter 4-A, and 12 M.R.S. Chapter 805, Subchapter 3-A.

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

SCHEDULE FOR ADOPTION: The rulemaking process could begin in 2019. Final rules are anticipated by late 2019.

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 M.R.S. §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: The rulemaking process could begin in 2019. Final rules are anticipated by late 2019.

AFFECTED PARTIES: Municipalities, developers of private party burn permit software

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

CONTACT PERSON: Bill Hamilton, 22 SHS, Augusta, ME 04333-0022, 287-4990; bill.hamilton@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, mari.wells@maine.gov

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

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 .

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

STATUTORY AUTHORITY: 12 M.R.S., Chapter 220 §1803, 2.15

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

ANTICIPATED SCHEDULE: The rule making process will begin in January of 2019 anticipated to be completed in the Spring of 2020.

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

CONCENSUS –BASED RULE DEVELPOMENT: Not Contemplated

CONTACT PERSON: Matthew LaRoche, PO Box 1107, Greenville, ME 04441, (207) 695-3721 x3, matt.laroche@maine.gov

**CHAPTER 3: Rules for Navigational Aids**

STATUTORY AUTHORITY: 12 M.R.S., Chapter 220 §1894

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

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2018 anticipated to be completed in the spring of 2020.

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 M.R.S., Chapter 220 §1803

PURPOSE: Modify Rules of Conduct at Boat Launching Facilities.

ANTICIPATED SCHEDULE: The rule making process will begin in the fall of 2018 anticipated to be completed in the spring of 2020.

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 7: Rules for Snowmobile Program**

STATUTORY AUTHORITY: 12 M.R.S., Chapter 220 §1804, paragraph 6

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 2016 anticipated to be completed in the spring of 2019.

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, Lana.LaPlant-Ellis@maine.gov

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

STATUTORY AUTHORITY: 12 M.R.S., Chapter 220 §1804, paragraph 6

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 2016 anticipated to be completed in the spring of 2019.

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, Lana.LaPlant-Ellis@maine.gov

**CHAPTER 53: Submerged Land Rules**

STATUTORY AUTHORITY: 12 M.R.S. §§ 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. Rule amendments will also update and clarify Submerged Lands Program definitions, procedures and user fees.

ANTICIPATED SCHEDULE: Completed by Spring of 2019.

AFFECTED PARTIES: Potential renewable ocean energy project developers and other users of 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 M.R.S. §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: Prior to August 2019

AFFECTED PARTIES: Individual and Commercial Bear Hunters

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Nate Webb, 650 State St., Bangor, ME, 04401, (207) 592-4534, nathan.webb@maine.gov

**CHAPTER 220: Rules For Funding Educational Programs Related To Logging And Forestry**

STATUTORY AUTHORITY: 12 M.R.S. §1859

PURPOSE: Establish rules for an educational grant program to educate new loggers and foresters in the State at a public secondary or public postsecondary educational institution or career and technical education center that is related to logging or forestry.

SCHEDULE FOR ADOPTION: Prior to July 2019

AFFECTED PARTIES: Public Secondary and Public Postsecondary Educational Institutions

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

CONTACT PERSON: Chuck Simpson, 106 Hogan Rd. Suite 5, Bangor, ME 04401, (207) 941-4413, chuck.simpson@maine.gov

**01-672**

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

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

**CONTACT PERSON:** Mari Wells-Eagar, 22 SHS, Augusta, ME 04333-0022; 207-287-4909. E-mail: Mari.Wells@Maine.gov .

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

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

**CHAPTER 1: General Provisions**

STATUTORY BASIS: 12 M.R.S. §685-B(2) and §685-C(3)

PURPOSE: The Commission’s fees have not been amended in some time and may need to be changed to align with recent changes in permit and rezoning requirements.

SCHEDULE FOR ADOPTION: If needed, issue proposed amendments by May 2019; adopt amendments by September 2019; submit for legislative review during January 2020.

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; 207-287-4894, timothy.beaucage@maine.gov

**CHAPTER 4: Rules of Practice**

STATUTORY BASIS: 12 M.R.S. §684 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 revisions to Chapter 4.

SCHEDULE FOR ADOPTION: Issue proposed amendments if needed by August 2019; adopt amendments by December 2019.

AFFECTED PARTIES: Property owners 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 and interested members of the public.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CONTACT PERSON: Tim Beaucage, 22 State House Station, Augusta, ME 04333-0022; 207-287-4894, timothy.beaucage@maine.gov

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

STATUTORY BASIS: 12 M.R.S. §685-A(3) and §685-C(5)

PURPOSE: Chapter 10 rules establish land use standards for lands within the unorganized and de-organized areas of the state. Methods that increase efficiencies in the review and permitting of development and relate to the location 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, establishing subdistricts and use listings within these subdistricts, developing activity-specific standards, addressing the location of development through rezoning standards and reviewing nonconforming use and other provisions.

SCHEDULE FOR ADOPTION: Issue proposed amendments by January 2019; adopt amendments by June 2019; submit for legislative review during January 2019.

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: Ongoing to January 2019

CONTACT PERSON: Samantha Horn, 22 State House Station, Augusta, ME 04333-0022; 207-287-2932, samantha.horn@maine.gov

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

STATUTORY BASIS: 12 M.R.S. §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 July 2018; adopt amendments by December 2019; submit for legislative review during January 2019.

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: Stacie Beyer, 22 State House Station, Augusta, ME 04333-0022; 207-557-2535, stacie.r.beyer@maine.gov

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

STATUTORY BASIS: 12 M.R.S. §685-A(3) and §685-C(5)

PURPOSE: Chapter 10 rules establish 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, and changing the terminology for bridge reconstruction and certain other development in flood prone areas.

SCHEDULE FOR ADOPTION: Issue proposed amendments by July 2019; adopt amendments by December 2019; submit for legislative review during January 2020.

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; 207-287-4894, timothy.beaucage@maine.gov

**CHAPTER 10: Land Use Districts and Standards,** **Update of** **Standards for Activities in Flood Prone Areas**

STATUTORY BASIS: 12 M.R.S. §685-A(3) and §685-C(5)

PURPOSE: 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 July 2019; adopt amendments by December 2019; submit for legislative review during January 2020.

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: Stacie Beyer, 22 State House Station, Augusta, ME 04333-0022; 207-557-2535, stacie.r.beyer@maine.gov