

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** 01-001  
**Statutory authority:** 7 MRS c. 205-A §2217  
**Chapter number/title:** Ch. 273, Criteria for Listing Invasive Terrestrial Plants  
**Filing number:** 2017-003  
**Effective date:** 1/14/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

Invasive plants are a direct threat to what we value about Maine's natural and working landscapes. The aggressive growth of invasive plants increases costs for agriculture, can affect forest regeneration, threatens our recreational experiences, and reduces the value of habitats for mammals, birds and pollinators. Species like Japanese barberry and multiflora rose can form thorny, impenetrable thickets in forests and agricultural fields.

Invasive species are the second-greatest threat to global biodiversity after loss of habitat. Invading plants out compete native species by hogging sunlight, water, nutrients, and space. They change animal habitat by eliminating native foods, altering cover, and destroying nesting opportunities. Some invaders are so aggressive they leave no room for our natives.

**Basis statement:**

In 2007 the Department of Agriculture was directed by the legislature to study invasive terrestrial plants with stakeholder input. In February 2008 a report was presented to the joint standing committee on Agriculture, Conservation and Forestry which presented a list of criteria for evaluating invasive terrestrial plants. Subsequently the Department was directed to establish criteria for evaluating invasive terrestrial plants in rule.

In 2011-2012 the Department adopted rules which established the criteria for listing invasive, likely invasive and potentially invasive plants. Those criteria were used to develop a draft plant list by the Invasive Plant Workgroup which was appointed by the Commissioner of the Department of Agriculture, Conservation and Forestry.

The Secretary of State published a notice on November 16, 2016 and by this date well over 500 companies and individuals representing the horticulture and environmental interests in the state had been notified electronically. A public hearing was held in Augusta on December 8, 2016 with two people representing horticulture businesses, three others environmental/land trust organizations and one representing herself. Four spoke in favor of the proposed rule and two spoke neither for nor against. There were a few suggestions to exempt certain cultivars of plants and to adjust the plant list to differing plant hardiness zones in the state.

The comment period ended on December 16, 2016. There were 125 e-mail messages that were all in support of the rule as proposed. There were 41 commenters that had more substantive comments and only 7 suggested specific language changes. Four commenters suggested adding new plants to the list and four others suggested removing plants or cultivars of certain species. Two commenters suggested that observations from land management professionals or nursery professionals could be used to help support the exemption of plant species or cultivars while four others did not support that change and wanted the rule to be very restrictive regarding potential plant exemptions. Other comments included adding an educational component or an eradication component to the rules and there were three commenters that wanted to extend the phase-in period while six others wanted to keep the phase-in period one year and/or implement the rule ASAP. There was one request to amend a common plant name on the list as well. Finally there

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

was one commenter who asked to adjust the plant listing to hardiness zones while four others disagreed with that comment.

The Department's staff reviewed the hearing record on December 28, 2016. Minor word changes suggested in the comments were made to the proposed rule. Substantive suggestions made by some commenters were countered by others, and the Department made no changes with regard to those suggested amendments.

The rule was adopted with increased specificity on the word propagation making it intentional propagation for sale or distribution. The common name of False Indigo was amended to False Indigo Bush. Finally a few typographical errors were corrected.

**Fiscal impact of rule:**

Because the majority of nurseries have already suspended the sale of these plants the fiscal impact on the regulated community should be minimal. Because the regulatory duties prescribed by the rule can be managed with the existing staff resources, the fiscal impact on the Department should also be negligible.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** 01-001  
**Statutory authority:** 7 MRS §3154  
**Chapter number/title:** Ch. 61, Maine Milk Pool Cost of Administration  
**Filing number:** 2017-052  
**Effective date:** 4/9/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The principal reason for this rulemaking is to amend the cost of administering the Maine Milk Pool to recover current costs.

**Basis statement:**

Costs incurred for the Maine Milk Pool for personnel services and for operation was approximately \$60,000 in 2016. Based on the last twelve months expenses, it is estimated that the Pool costs for similar expenses for 2017 will be about \$60,000.

The total pounds in the Pool for the last twelve months (December 2015 - November 2016) were 622,132,348. It is estimated that the total pounds in the Pool for 2017 will be approximately the same.

Based on the above projected costs and pounds the Pool Administrator sets the rate per hundredweight of milk for the cost of administering the Pool for calendar year 2017 at \$0.01/cwt.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** 01-001  
**Statutory authority:** 7 MRS §2910-B; 10 MRS §1023-P; 8 MRS §1036 sub-§2-A ¶M  
**Chapter number/title:** Ch. 34, Rules for Operation of Dairy Improvement Fund  
**Filing number:** 2017-108  
**Effective date:** 7/16/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

This chapter establishes rules governing the expenditure of funds available in accordance with 7 MRS §2910-B; 10 MRS §1023-P; 8 MRS §1036 sub-§2-A ¶M.

The Dairy Improvement Fund (DIF) is a revolving loan program intended to assist dairy farmers in making capital improvements to maintain and enhance the viability of their farms and to pay the administrative costs of processing loan applications and servicing and administering the fund and loans made from the fund.

**Fiscal impact of rule:**

New benefit to dairy producers and minor impact on DACF for Administrative and outreach role.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** 01-001  
**Statutory authority:** 7 MRS §98(4)  
**Chapter number/title:** Ch. 226, Rules Governing the Administration of Certain Substances to Animals Entered in Pulling Competitions  
**Filing number:** 2017-134  
**Effective date:** 9/2/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The purpose of these amendments is as follows for Ch. 226: 1) Clarify who is responsible for the animals that are in violation of the no tolerance rule in regards to drug testing during a licensed pulling event; 2) add definition of “Driver”; 3) clarify who should be witnessing the blood draw and who is to sign as the witness; 4) clarify who is an “Agent” under the definition; 5) remove the word “Trainer” and replace with “Driver”; and 6) remove the word “Agent” and replace with “Department” in Section 3.

**Basis statement:**

The Commission adopted a few changes to Ch. 226 to clean up the language to mirror the statutes.

The amendments contained the following substantive changes:

- Add Licensed to the definition of Event.
- Replace Competition with Event.

**Fiscal impact of rule:**

The amendments should not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** 01-001  
**Statutory authority:** 7 MRS Part 2 ch. 101 sub-ch. 2 §§ 443, 443-B  
**Chapter number/title:** Ch. 144, Standards for the Use of the State of Maine Quality Trademark on Molluscan Shellfish  
**Filing number:** 2017-138  
**Effective date:** 9/18/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rulemaking promulgates Ch. 144 rules to establish standards and minimum requirements for licensing of permit holders for use of the State of Maine Quality Trademark on molluscan shellfish containers. Use of the trademark is restricted to whole or shucked molluscan shellfish harvested from within the boundaries of the State of Maine that meet the standard requirements for designated use of the Molluscan Shellfish Quality Trademark.

**Basis statement:**

Ch. 144 of the Maine Department of Agriculture, Conservation & Forestry, Division of Quality Assurance and Regulations' rules establishes standards and minimum requirements for licensing of permit holders for use of the State of Maine Quality Trademark on molluscan shellfish containers. Use of the trademark is restricted to whole or shucked molluscan shellfish harvested from within the boundaries of the State of Maine that meet the standard requirements for designated use of the Quality Trademark.

On September 12, 1988, the Department was directed by 7 MRS §§ 441 and 443, the authority to promulgate Ch. 135: Official Use of the State of Maine Quality Trademark. These rules describe the State of Maine Quality Trademark and establish procedures for licensing and for use for individual commodities. Ch. 144 extends these rules to molluscan shellfish.

The revised rule proposed for adoption may be obtained on the Department's internet web page located at: [www.maine.gov/dacf/](http://www.maine.gov/dacf/).

**Fiscal impact of rule:**

If the rule is adopted as presented, the Department estimates the increase in licensing fees would not exceed one million dollars. The outcome would be an increase for the general fund.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** 01-001  
**Statutory authority:** 10 MRS Part 6 ch. 501 sub-ch. 9 §2701  
**Chapter number/title:** Ch. 307, Fees for Testing Weighing and Measuring Devices  
**Filing number:** 2017-202  
**Effective date:** 12/18/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rulemaking amends Ch. 307 to bring weights and measures fees in line with the actual costs to calibrate the equipment. An analysis of current labor and benefit rates for an inspector highlights that fees collected for calibration services are often less than one half of the labor cost associated with the actual procedure. A comparison with 11 other states also found that Maine fees were among the lowest in the group; not surprising given that Maine has not made any changes to this rulemaking chapter since 1991. Included in the rulemaking is the elimination of language referencing fees for adjustment services given that the Department outsourced this activity to the private sector many years ago. A reference to liquefied and compressed natural gas is added as Maine can see the future implementation of this technology within the State.

**Basis statement:**

Ch. 307 of the Maine Department of Agriculture, Conservation & Forestry, Division of Quality Assurance and Regulations rules, establishes a fee structure for the testing of weights and measures devices. The purpose of testing requirements is to eliminate from use, weights and measures and weighing and measuring devices that give readings that are false, that are of such construction that they are faulty (that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly), or that facilitate the perpetration of fraud, without prejudice to apparatus that conforms as closely as practicable to the official standards.

On July 1, 1977, Ch. 307 was promulgated to direct the Department to establish fees for the testing of weights and measures devices with amendments to the rule that occurred November 28, 1981 and February 16, 1991. The current amendment to Ch. 307 brings weights and measures fees in line with the actual costs to calibrate the equipment. An analysis of current labor and benefit rates for an inspector highlights that fees collected for calibration services are often less than one half of the labor cost associated with the actual procedure. A comparison with 11 other states also found that Maine's fees were among the lowest in the group; not surprising given that Maine has not made any changes to this rulemaking chapter since 1991. Included in the rulemaking is the elimination of language referencing fees for adjustment services given that the Department outsourced this activity to the private sector many years ago. A reference to liquefied and compressed natural gas is added as Maine can see the future implementation of this technology within the State.

**Fiscal impact of rule:**

The Department estimates the increase of weights and measures device testing fees would not exceed one million dollars. The outcome would be an increase for the general fund.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Maine Milk Commission**  
**Umbrella-Unit:** **01-015**  
**Statutory authority:** 5 MRS §8054; 7 MRS §2954  
**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #02-17**  
**Filing number:** **2017-007**  
**Effective date:** 1/29/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **February 2017** minimum Class I price is **\$19.98/cwt. plus \$1.53/cwt.** for Producer margins and a **\$1.53/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$1.40/cwt.** handling fee for a total of **\$24.64/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.77.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$17.40/cwt.** and a Class IV price of **\$14.97/cwt.** for **December 2016.**

The Class II price for **December 2016** is **\$15.26/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$19.98/cwt. plus \$1.53/cwt. for cost of production and an over-order premium of \$1.53/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on January 20, 2017 and therefore should be passed on in minimum prices effective January 29, 2017. These prices also include a handling fee of \$1.40/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.



**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #03-17**

**Filing number:** **2017-032**

**Effective date:** 2/27/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **March 2017** minimum Class I price is **\$20.15/cwt. plus \$1.53/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$0.93/cwt.** handling fee for a total of **\$23.85/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.71**.

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$17.77/cwt.** and a Class IV price of **\$16.19/cwt.** for **January 2017**.

The Class II price for **January 2017** is **\$16.36/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$20.15/cwt. plus \$1.53/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on February 23, 2017 and therefore should be passed on in minimum prices effective February 26, 2017. These prices also include a handling fee of \$0.93/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$0.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 7 MRS §2954

**Chapter number/title:** **Ch. 27**, Retail Margins

**Filing number:** **2017-040**

**Effective date:** 3/23/2017

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to establish retail margins for milk sold within the State of Maine in accordance with 7 MRS §2954.

**Basis statement / summary:**

This rule establishes minimum retail margins for milk sold in Maine.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #04-17**

**Filing number:** **2017-053**

**Effective date:** 4/2/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **April 2017** minimum Class I price is **\$19.30/cwt. plus \$1.53/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$1.86/cwt.** handling fee for a total of **\$23.93/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.73.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$16.88/cwt.** and a Class IV price of **\$15.59/cwt.** for **February 2017.**

The Class II price for **February 2017** is **\$16.52/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$19.30/cwt. plus \$1.53/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on March 23, 2017 and therefore should be passed on in minimum prices effective April 2, 2017. These prices also include a handling fee of \$1.86/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #05-17**

**Filing number:** **2017-064**

**Effective date:** 4/30/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **May 2017** minimum Class I price is **\$18.45/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$2.79/cwt.** handling fee for a total of **\$24.06/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.74.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$14.32/cwt.** and a Class IV price of **\$15.59/cwt.** for **March 2017.**

The Class II price for **March 2017** is **\$16.21/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$18.45/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on April 20, 2017 and therefore should be passed on in minimum prices effective April 30, 2017. These prices also include a handling fee of \$2.79/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$0.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #06-17**

**Filing number:** **2017-079**

**Effective date:** 6/4/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **June 2017** minimum Class I price is **\$18.56/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$2.33/cwt.** handling fee for a total of **\$23.71/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.71.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$15.22/cwt.** and a Class IV price of **\$14.01/cwt.** for **April 2017.**

The Class II price for **April 2017** is **\$14.81/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$18.56/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on May 18, 2017 and therefore should be passed on in minimum prices effective June 4, 2017. These prices also include a handling fee of \$2.33/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #07-17**

**Filing number:** **2017-096**

**Effective date:** 7/2/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **July 2017** minimum Class I price is **\$19.84/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$1.40/cwt.** handling fee for a total of **\$24.06/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.74.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$15.57/cwt.** and a Class IV price of **\$14.49/cwt.** for **May 2017.**

The Class II price for **May 2017** is **\$14.84/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$19.84/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on June 22, 2017 and therefore should be passed on in minimum prices effective July 2, 2017. These prices also include a handling fee of \$1.40/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #08-17**

**Filing number:** **2017-111**

**Effective date:** 7/30/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **August 2017** minimum Class I price is **\$19.97/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.40/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$1.40/cwt.** handling fee for a total of **\$24.19/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.76.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$16.44/cwt.** and a Class IV price of **\$15.89/cwt.** for **June 2017.**

The Class II price for **June 2017** is **\$16.15/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$19.97/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on July 20, 2017 and therefore should be passed on in minimum prices effective July 30, 2017. These prices also include a handling fee of \$1.40/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #09-17**

**Filing number:** **2017-137**

**Effective date:** 9/3/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **September 2017** minimum Class I price is **\$19.96/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$1.40/cwt.** handling fee for a total of **\$24.18/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.77.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$15.45/cwt.** and a Class IV price of **\$16.60/cwt.** for **July 2017.**

The Class II price for **July 2017** is **\$17.48/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$19.96/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on August 24, 2017 and therefore should be passed on in minimum prices effective September 3, 2017. These prices also include a handling fee of \$1.40/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.



**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**  
**Umbrella-Unit:** **01-015**  
**Statutory authority:** 5 MRS §8054; 7 MRS §2954  
**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #10-17**  
**Filing number:** **2017-154**  
**Effective date:** 10/1/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **October 2017** minimum Class I price is **\$19.69/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$1.40/cwt.** handling fee for a total of **\$23.91/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.75**.

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$16.57/cwt.** and a Class IV price of **\$16.61/cwt.** for **August 2017**.

The Class II price for **August 2017** is **\$17.56/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$19.69/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on September 21, 2017 and therefore should be passed on in minimum prices effective October 1, 2017. These prices also include a handling fee of \$1.40/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**  
**Umbrella-Unit:** **01-015**  
**Statutory authority:** 5 MRS §8054; 7 MRS §2954  
**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #11-17**  
**Filing number:** **2017-165**  
**Effective date:** 10/29/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **November 2017** minimum Class I price is **\$19.66/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$1.40/cwt.** handling fee for a total of **\$23.88/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.74.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$16.36/cwt.** and a Class IV price of **\$15.86/cwt.** for **September 2017.**

The Class II price for **September 2017** is **\$16.80/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$19.66/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on October 19, 2017 and therefore should be passed on in minimum prices effective October 29, 2017. These prices also include a handling fee of \$1.40/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #12-17**

**Filing number:** **2017-184**

**Effective date:** 12/3/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **December 2017** minimum Class I price is **\$20.13/cwt. plus \$1.58/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$0.93/cwt.** handling fee for a total of **\$23.88/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.74.**

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$16.69/cwt.** and a Class IV price of **\$14.85/cwt.** for **October 2017.**

The Class II price for **October 2017** is **\$15.95/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$20.13/cwt. plus \$1.58/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on November 22, 2017 and therefore should be passed on in minimum prices effective December 3, 2017. These prices also include a handling fee of \$0.93/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$0.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine Milk Commission**

**Umbrella-Unit:** **01-015**

**Statutory authority:** 5 MRS §8054; 7 MRS §2954

**Chapter number/title:** **Ch. 3**, Schedule of Minimum Prices, **Order #01-18**

**Filing number:** **2017-206**

**Effective date:** 12/31/2017

**Type of rule:** Routine Technical

**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

The final **January 2018** minimum Class I price is **\$18.69/cwt. plus \$1.63/cwt.** for Producer margins and a **\$1.04/cwt.** that reflects premiums being offered and prevailing in Southern New England and **\$2.33/cwt.** handling fee for a total of **\$23.89/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.73**.

**Basis statement:**

Pursuant to 5 MRS §8054 and 7 MRS §2954 the Maine Milk Commission conducted an emergency rulemaking hearing to determine whether or not the minimum price payable to producers for milk should be immediately changed due to developments in milk pricing in southern New England.

Federal Order One Northeast Market Administrator announced a Class III price of **\$16.88/cwt.** and a Class IV price of **\$13.99/cwt.** for **November 2017**.

The Class II price for **November 2017** is **\$15.32/cwt.** as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the Federal Order Class I price of **\$18.69/cwt. plus \$1.63/cwt. for cost of production and an over-order premium of \$1.04/cwt. as being prevailing in southern New England based on the evidence presented at the Commission hearing on December 21, 2017 and therefore should be passed on in minimum prices effective December 31, 2017. These prices also include a handling fee of \$2.33/cwt.**

The schedule of prices listed herein reflects the latest Class I, Class II, Class III and Class IV prices plus the minimum dealer, producer and retail margins adopted by the Commission's Orders (DM) Dealer Margins, (PM) Producer Margins, and (RM) Retail Margins. The Class I prices reflect a Processor Assessment of **\$.20/cwt.** as authorized by Commission Order #93-MPF. Any change in prices at any level from last month reflects the action taken today by the Commission for Class I, Class II, Class III and Class IV and Butterfat prices.

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine State Harness Racing Commission**

**Umbrella-Unit:** **01-017**

**Statutory authority:** 8 MRS §§ 263-A, 268, 279-A, 279-B, 281

**Chapter number/title:** **Ch. 11**, Medications, Prohibited Substances and Testing

**Filing number:** **2017-069**

**Effective date:** 5/7/2017

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The changes clarify the standards and expectations covering the administration of therapeutic substances to race horses and synchronize the classification of substances between Ch. 11 and Ch. 17.

**Basis statement:**

The Commission undertakes a major rewrite of Ch. 11 because the prevailing sentiment was that strong and enforceable standards covering the use of prohibited substances are important for the integrity of the sport. Due to the broad scope of the proposed amendments, the Commission utilized the "repeal and replace" approach to the rulemaking initiative. The amendments contained the following substantive changes:

- A complete reorganization of the chapter into a more logical sequence;
- Incorporation by reference of the December 9, 2016 Association of Racing Commissioners International schedules for both prohibited substances and permitted medications;
- A new set of "standards of conduct" that establish Commission expectations around the proper use of medications and supplements;
- Updated standards covering the use of non-steroidal anti-inflammatory drugs;
- Incorporation by reference of the ARCI drug classification guidelines;
- A codification of the Commission's "strict liability" standard;
- A modification of the language covering the presence and use of injection paraphernalia to clarify it cannot be present in the paddock area.

The only comments received on the Ch. 11 proposal were submitted by the Commission staff and related primarily to drafting errors.

The Commission reviewed the proposed changes and the comments at its March 30, 2017 meeting. It agreed that a small set of standards contained within Section 6 of Ch. 17 actually fit better in Ch. 11 and elected to move a modified version of those standards to Ch. 11, after accounting for potential redundancy.

The Commission found that the proposed amendments - after being revised to correct drafting errors - are in the best interest of the industry and elected to adopt the changes at its April 21, 2017 meeting.

**Fiscal impact of rule:**

The amendment should not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Maine State Harness Racing Commission**

**Umbrella-Unit:** **01-017**

**Statutory authority:** 8 MRS §§ 263-A, 268, 279-A, 279-B, 281

**Chapter number/title:** **Ch. 17**, Rule Violations; Penalties

**Filing number:** **2017-070**

**Effective date:** 5/7/2017

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The amendments eliminate the requirement to consider mitigating circumstances for violations of prohibited substances requirements, clarify how repeated offenses are calculated, and allow for the suspension of horses for certain violations.

**Basis statement:**

The Commission adopted a series of amendments to Ch. 17 in order to strengthen its ability to deter the use of prohibited substances and otherwise update certain sections that appeared vague or impractical.

The amendments included the following substantive changes:

- Section 6 was updated to reflect that Ch. 11 refers to drug classes instead of categories which will also align Ch. 17 with the Association of Racing Commissioners International (ARCI) drug classification schedule;
- A paragraph was added to Section 6 to cover "Class D" drugs to be consistent with the ARCI classification schedule;
- Reference to "mitigating circumstances" was deleted from the chart in Section 6 because the penalty range already allows for consideration of mitigating circumstances;
- A new section-derived from the ARCI model rule-was added to address habitual medication offenders.

A public hearing was held on February 24, 2017 and the Commission reviewed the comments at the March 30, 2017 meeting. Only one comment was received from the regulated community. Wendy Ireland-from the Maine Standardbred Breeders and Owners Association-voiced concern about the removal of the mitigating circumstances language. The Commission considered this comment and determined that it had still had the latitude to consider mitigating circumstances by virtue of the penalty ranges.

The Commission supported including language in the penalty chart in Section 6 that would require suspension of the horse until the purse was repaid. However, this change was deemed to constitute a substantive change, so the Commission elected to postpone consideration of such language pending future rulemaking.

The Commission agreed with the staff that new language contained in Section 6 that speaks to the conduct of participants other than the trainer was better suited to include in Ch. 11, and elected to move that language after accounting for redundancy within Ch. 11.

After reviewing the comments and the proposed amendments, the Commission determined that the amendments as revised are in the best interest of the harness racing industry and elected to adopt the amendments at its April 21, 2017 meeting.

**Fiscal impact of rule:**

The amendment should not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Pull Events Commission**  
**Umbrella-Unit:** **01-303**  
**Statutory authority:** 7 MRS §98(4)  
**Chapter number/title:** **Ch. 15**, Rules for Superintendents and Assistant Superintendents of Pull Events  
**Filing number:** **2017-135**  
**Effective date:** 9/2/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The purpose of these amendments is as follows for Ch. 15: 1) Add definitions for “Driver” and “Teamster”; 2) clarify what applications superintendents need to submit to become certified superintendents; 3) clarify the authority superintendents have when giving warnings to teamsters; 4) add a Body Condition Scoring System for the equine animals entered into a Pull Event; and 5) improve and strengthen the requirements for becoming a certified Pull Superintendent.

**Basis statement:**

The Commission adopted a few changes to Ch. 15 to clean up the language to mirror the statutes.

The amendments contained the following substantive changes:

- Add the definition of Driver and Teamster.
- Add a procedure to become a certified Pull Superintendent.
- Add a body condition chart for the equine animals for superintendents to follow.

**Fiscal impact of rule:**

The amendment should not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Bureau of Parks and Lands**  
**Umbrella-Unit:** **01-670**  
**Statutory authority:** 12 MRS §1803(6)  
**Chapter number/title:** **Ch. 2**, Rules and Regulations for the Allagash Wilderness Waterway  
**Filing number:** **2017-024**  
**Effective date:** 2/22/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To amend existing rules to allow for an additional foot trail, change in snowmobile trails and float plane access sites to the Allagash Wilderness Waterway rules without adding to the total number of sites.

**Basis statement:**

Rules for the Allagash Wilderness Waterway are amended to allow for an additional foot trail, change in snowmobile trails and float plane access sites to the Allagash Wilderness Waterway rules without adding to the total number of sites. The additional authorized foot trail will allow safer access to the locomotives in T8-R13. The change in snowmobile access points will allow trails in locations where there is more demand for that use without increasing the total number of access points. The change in float plane access sites will allow for the use where there is more demand for that use without increasing the total number of sites.

**Fiscal impact of rule:**

N/A



**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Bureau of Parks and Lands**  
**Umbrella-Unit:** **01-670**  
**Statutory authority:** 12 MRS §1825(4)  
**Chapter number/title:** **Ch. 5**, Rules and Regulations for Lunch and Campsites in the Penobscot River Corridor, Lobster Lake and Chesuncook Lake.  
**Filing number:** **2017-025**  
**Effective date:** 2/22/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To allow for the increase of camping fees to offset the cost of maintaining campsites in the Penobscot River Corridor, Lobster Lake, and Chesuncook Lake. The last fee increase was in 2008.

**Basis statement:**

Rules for Lunch and Campsites in the Penobscot River Corridor, Lobster Lake and Chesuncook Lake are amended to allow for the increase of camping fees section to offset the cost of maintaining campsites in the Penobscot River Corridor, Lobster Lake, and Chesuncook Lake. The last fee increase was in 2008. Fees will be adjusted to keep pace with additional costs of maintaining campsites and address an approved fee increase for camping. This will allow for financial order changes of fees without having to update the rules through rulemaking process each time.

**Fiscal impact of rule:**

N/A

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 12 MRS §§ 685-A(7-A), 689  
**Chapter number/title:** **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps): Zoning Petition **ZP 764** (TA R10, TB R10 - Piscataquis County) (petitioner Maine LUPC staff and Cassidy Timberlands LLC)  
**Filing number:** **2017-039**  
**Effective date:** 3/1/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This memo and attachment is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published in the *Kennebec Journal newspaper*. A current copy of the map has been placed on file as required.

**Basis statement:**

Pursuant to 12 MRS §§ 685-A (7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

**ZONING PETITION**

ZP 764

**PETITIONER OR  
COPETITIONER**

Maine Land Use  
Planning Commission  
Staff & Cassidy  
Timberlands LLC

**LOCATION**

TA R10 & TB R10 WELS,  
Piscataquis County

**Fiscal impact of rule:**

N/A

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 12 MRS §685-C(5)(A); 35-A MRS §3453-A  
**Chapter number/title:** **Ch. 10**, Land Use Districts and Standards: **Appendix F**, Expedited Wind Energy Development Area (*re: Kingsbury Plt.*)  
**Filing number:** **2017-046**  
**Effective date:** 3/13/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

The 123rd legislature enacted, "An Act to Implement Recommendations of the Governor's Task Force on Wind Power Development," PL 2007 ch. 661 that became effective April 18, 2008. The Act established the expedited permitting area for wind energy development, encompassing all of the organized area of the State and a portion of the unorganized and deorganized areas now served by the Land Use Planning Commission (LUPC or Commission). As directed by that legislation, the Commission adopted through rulemaking the description and map of the expedited permitting area located in the Commission's rules as Appendix F to Ch. 10, Land Use Districts and Standards.

In 2015, the legislature enacted "An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission," PL 2015 ch. 265 that became effective January 1, 2016. The statutory change creates a six month time window within which registered voters in a given town, township, or plantation within the Commission's jurisdiction may petition to have a place removed from the expedited area. Title 35-A §3453-A describes the mechanism by which the petition process is to take place, and provides the opportunity for any person to object to the removal of the specified place by requesting "substantive review" of the petition. Pursuant to the provisions of this section, when a valid petition is filed, the specified place automatically will be removed unless a person requests substantive review.

Each of the petitions listed below comply with the requirements of Title 35-A §3453-A(1) and (5). Specifically each individual petition:

- Was received between January 1 and June 20, 2016;
- Clearly states that the persons signing the petition are requesting the removal of the specified place from the expedited permitting area;
- Is signed by at least 10% of the number of registered voters residing in the township, plantation, municipality or portion thereof that voted in the most recent gubernatorial election;
- Is on a form provided by the Maine Land Use Planning Commission; and
- Does not include any land area within:
  - the project boundary of an existing or proposed, legally permitted expedited wind energy development;
  - the project boundary of a proposed expedited wind energy development, as described in the development permit application, that has been accepted for processing by the Department of Environmental Protection; or
  - any specified place added by rule to the expedited permitting area in accordance with section 3453 prior to January 1, 2016.

A Portion of the Bingham Wind Project, permitted by the Maine Department of Environmental Protection in Order L-25973-24-A-N and L-25973-TG-B-N on September 8, 2014, is located within Kingsbury Plantation. Because the Bingham Wind Project has been permitted as an Expedited Wind Energy Development, the project area does not qualify for removal. Therefore, in

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

accordance with 35-A MRS §3453-A(5), the Commission has identified the project boundary for the portion of the Bingham Wind Project within Kingsbury, as including the areas generally referred to as Ridgetop Area V, Ridgetop Area VI, and the generator lead line corridor, as well as the areas containing new access roads that have or may be constructed to provide access to the ridgetop areas and generator lead line corridor.

The project boundary is the geographic limit of an existing or proposed wind energy development. Sound, shadow flicker, or other similar impacts associated with operation of a wind energy development may extend beyond the project boundary. These impacts themselves, however, are not development and, therefore, are not wind energy development. As a result, areas adjacent to the project that are burdened by sound and shadow flicker easements are not included within the project boundary.

Similarly, land management roads - road used primarily for agriculture or forestry - are not part of the project. Easement rights have been granted to the wind power company allowing use of certain land management roads to access the project; maintenance and road improvement rights also have been granted as part of these easements. These land management roads, however, are not part of the project development; their primary purpose is for forestry. As a result, land management roads are not within the project boundary. Access easement areas where roads have or will be constructed for the primary purpose of accessing the Bingham Wind Project are not land management roads and are part of the wind energy development. As noted above, areas where new access road have or may be constructed are within the project boundary.

Within the expedited permitting area, wind energy development is an allowed use regardless of the underlying zoning subdistrict. 12 MRS §685-8(2-C)(A). By exempting the area within an existing project boundary from removal from the expedited permitting area, the law prevents existing projects from becoming legally existing, nonconforming uses. As a result of this rulemaking, much of Kingsbury has been removed from the expedited permitting area the area within the project boundary of the Bingham Wind Project has not. This project remains as allowed use.

**Fiscal impact of rule:**

*(No Fact Sheet included)*

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 35-A MRS §3453-A sub-§§ (1), (3)  
**Chapter number/title:** **Ch. 10**, Land Use Districts and Standards: **Appendix F**, Expedited Wind Energy Development Area (*re: Carroll Plt.*)  
**Filing number:** **2017-047**  
**Effective date:** 3/13/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

In accordance with 35-A MRS §3453-A(3), the Maine Land Use Planning Commission (LUPC) shall, by rule, remove a specified place in the unorganized and deorganized areas from the expedited permitting area for wind energy development upon receipt of a complete and timely petition for removal of the specified place, and, in the case of a timely filed request for substantive review, if the Commission finds the requirements of subsection I, paragraphs A and Band subsection 3, paragraphs A and Bare satisfied. The description and map of the expedited area are included in the Commission's rules as Appendix F to Ch. 10, *Land Use Districts and Standards*.

On January 4, 2016, the Commission received a complete and timely petition to remove Carroll Plantation (Carroll) from the expedited permitting area for wind energy development (expedited area). Subsequently, the Commission received a timely request for substantive review of that petition. At its February 8, 2017 regular business meeting, the Commission found Section 3453-A(1)(A)&(B) were satisfied. The Commission also reviewed the testimony and evidence in the record and found the substantive review requirements of Section 3453-A(3)(A)&(B) (Criteria A and B) were satisfied.

**Valid Petition:**

Carroll is a plantation that is part of the expedited permitting area. See 35-A MRS §3453-A(1)(A). The Commission received a petition to remove Carroll from the expedited permitting area before the June 30, 2016 submission deadline. That petition clearly states the individuals signing the petition form are requesting removal of Carroll; is signed by ten registered voters residing in Carroll, a number that is greater than 10 percent of the number of registered voters residing in Carroll that voted in the most recent gubernatorial election; and is on a form provided by the LUPC. As a result, at its February 8, 2017 meeting, the Commission found Section 3453-A(1)(A)&(B) were satisfied. The Carroll removal petition is valid.

**Substantive Review Decision Criteria:**

Title 35-A §3453-A(3) contains two statutory criteria; both must be met during the substantive review process to remove a place from the expedited area.

**Criterion A.** *The proposed removal will not have an unreasonable adverse effect on the State's ability to meet the state goals for wind energy development in §3404 sub-§2 ¶C.*

**Criterion B.** *The proposed removal is consistent with the principal values and the goals in the comprehensive land use plan adopted by the Maine Land Use Planning Commission pursuant to Title 12 §685-C.*

**Findings Regarding the Decision Criteria:**

**Criterion A. Ability to meet State goal.** No unreasonable adverse effect on the State's ability to meet its 2030 wind energy development goal, 35-A MRS §3404(2)(C).

*Findings:* The Commission concludes that the proposed removal of Carroll Plantation from the expedited area will not have an unreasonable adverse effect on the State's ability to meet the 2030 wind energy goal, leading to a finding that Criteria A has been met in that:

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

- Considerable progress is needed for the State to meet its 2030 wind energy development goal;
- However, there is a relatively limited area in Carroll that has elevations suitable for wind energy generation;
- The wind resource in Carroll is not exceptional;
- The regulatory history of wind energy development in Carroll, that includes permit denials by both the Land Use Regulatory Commission and the Department of Environmental Protection for wind projects proposed in Carroll, discourages future proposals for wind energy development in the Plantation;
- Existing transmission system constraints limit transmission capacity to the south; and
- There are disproportionate impacts to public resource values, particularly the recreational, cultural, and scenic resources of the Downeast lakes, when compared to the limited potential benefits of wind energy generation in the Plantation.

*Criterion B. Consistency with values and goals.* Removal is consistent with the principal values and goals of the Commission's Comprehensive Land Use Plan adopted pursuant to 12 MRS §685-C.

*Findings:* The Comprehensive Land Use Plan (CLUP) addresses many different, and sometimes conflicting, values and goals. In its review of the removal petition, the Commission has determined that removal of Carroll from the expedited area would be consistent with three principal values and twelve specific goals: the principal values for recreational opportunities, high-value natural resources, and natural character; and the specific goals for location of development, economic development, site review, historic resources, habitat resources, recreational resources, scenic resources, water resources and wetland resources. The Commission has also determined that removal would not be consistent with one principal value, and three specific goals: the principal value relating to economic value derived from working forests; and the specific goals for air and climate resources, energy resources, and forest resources. Therefore, reaching a final decision on the consistency of Carroll's removal from the expedited area with the principal values and goals of the CLUP involves a balancing. How the Commission has weighed the factors for each principal value and goal is central to the Commission's decision on whether or not the proposed removal of Carroll from the expedited area satisfies Criterion B.

*Values:* The values cited in the CLUP that were given the most weight during the Commission's rulemaking proceeding in this matter were two of the values with which removal would be consistent: (1) diverse and abundant recreational opportunities and (2) high-value natural resources and features.

On the whole, the Commission finds that the proposed removal would be consistent with the principal values in the CLUP based on the following factors relevant to recreational opportunities and high value natural resources:

- A variety of recreational opportunities exist in and to the south of Carroll, including unique opportunities for extended loop-paddling and access to primitive campsites;
- The recreational opportunities are enhanced by the vast amount of conserved land in the Downeast Lakes Region;
- The unique recreational opportunities are associated with a number of high value lakes with outstanding or significant scenic values that could be adversely impacted by wind energy development; and
- There is evidence that recreation and tourism appear to be important economic drivers in the broader region around Carroll.

*Goals:* The goals generally given more weight in this proceeding were: (1) air and climate resources, (2) recreational resources, and (3) scenic resources, with the first weighing in favor of Carroll remaining in the expedited permitting area and the second and third weighing in favor of removal.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

Balancing all of the goals, the Commission finds that the proposed removal would be consistent with the specific goals of the CLUP based on:

- There are air quality benefits associated with wind energy generation and removal would not be consistent with the specific goal for air and climate resources; however, this is outweighed by evidence on the removal's consistency with the recreational and scenic resources goals;
- Regarding the recreational goal, the record shows there are diverse and abundant recreational opportunities in and near Carroll, particularly in the Downeast Lakes Region;
- Natural resources important to maintaining the recreational environment that supports those opportunities include the significant number of Downeast lakes, especially the nine lakes with scenic values rated as outstanding or of statewide significance;
- There is evidence that wind energy development is incompatible with and could adversely impact those natural resources on which many of the recreational opportunities rely, including adverse impacts to the high scenic value of the Downeast lakes that are used regularly by the public for fishing, boating, and camping; and
- The scope and scale of the potential impacts from wind energy development in Carroll on the public's continued use and enjoyment of the lakes could be significant as reflected in the findings made by the Land Use Regulation Commission's decision on the Bowers Wind Project (DP 4889 at 19, 22, and 24).
- Protection of high-value scenic resources is important at the landscape/ planning level in this matter due to the suitable area for wind energy development extending into the Downeast Lakes Region, a region identified in the CLUP as being unique; the number of high-value resources that would potentially be impacted; and the connectivity of those resources in the regional landscape.

Supported by testimony and evidence in the record and considering the balancing required to reach a consistency determination, the Commission finds that removal of Carroll from the expedited area, overall, is consistent with the principal values and the goals of the CLUP. Given that, Criterion B has been met.

**Key Changes to the Rules Include:**

- **Ch. 10 Appendix F Section L:** The revisions strike "Carroll Plantation, 19080" from the list of minor civil divisions in the expedited permitting area for wind energy development.

**Fiscal impact of rule:**

*(No Fact Sheet included)*

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Land Use Planning Commission**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 12 MRS §§ 685-A(7-A), 689  
**Chapter number/title:** **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps):  
Zoning Petition **ZP 763** (T17 R4 WELS, Aroostook County)  
(petitioners Kevin Beaulieu, Marco Godbout, Joseph & Neil Pelletier)  
**Filing number:** **2017-058**  
**Effective date:** 4/4/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This memo and attachment is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published in the *Kennebec Journal* newspaper. A current copy of the map has been placed on file as required.

**Basis statement:**

Pursuant to 12 MRS §§ 685-A (7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

**ZONING PETITION**

ZP 763

**PETITIONER OR  
COPETITIONER**

Kevin Beaulieu,  
Marco Godbout,  
Joseph & Neil Pelletier

**LOCATION**

T17 R4 WELS,  
Aroostook County

**Fiscal impact of rule:**

N/A



**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Land Use Planning Commission**

**Umbrella-Unit:** **01-672**

**Statutory authority:** 12 MRS §§ 685-A(7-A), 689

**Chapter number/title:** **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps): Zoning Petitions: **ZP 765** (West Forks Plt. — Somerset County) (petitioners Maine Bureau of Parks and Lands, James Vogel; Maine Land Use Planning Commission, Jennifer Curtis); **ZP 766** (Baring, Brookton Twp., Edmunds Twp., Grand Lake Stream Plt., Lambert Lake Twp., Trescott Twp. —Washington County) (petitioners Maine Land Use Planning Commission, Stacie Beyer)

**Filing number:** **2017-080**

**Effective date:** 5/22/2017

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

This memo and attachment is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published in the *Kennebec Journal* newspaper. A current copy of the map has been placed on file as required.

**Basis statement:**

Pursuant to 12 MRS §§ 685-A (7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

<b>ZONING PETITION</b>	<b>PETITIONER OR COPETITIONER</b>	<b>LOCATION</b>
ZP 765	Maine Bureau of Parks and Lands, James Vogel; Maine Land Use Planning Commission, Jennifer Curtis	West Forks Plt. — Somerset County
ZP 766	Maine Land Use Planning Commission, Stacie Beyer	Baring, Brookton Twp., Edmunds Twp., Grand Lake Stream Plt., Lambert Lake Twp., Trescott Twp. — Washington County

**Fiscal impact of rule:**

N/A

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**

**Umbrella-Unit:** **01-672**

**Statutory authority:** 12 MRS §§ 685-A(3), 685-A(7-A), 685-C(5)

**Chapter number/title:** **Ch. 10**, Land Use Districts and Standards: **10.02**, Definitions (“Public Drinking Water Source”, “Sole Source Aquifer”); **10.23**, Protection Subdistricts, **B.** Aquifer Protection Subdistrict (P-AR) *(accompanied by an Addendum regarding Appendix E)*

**Filing number:** **2017-081**

**Effective date:** 5/29/2017

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

The Land Use Planning Commission received a citizen petition to amend Chapter 10 *Land Use Districts and Standards*, in order to allow portable rock crushing equipment by special exception in the Aquifer Protection (P-AR) Subdistrict. The rule revisions include a set of criteria intended to protect the water resource that would have to be met for portable rock crushing to be allowed in the Aquifer Protection Subdistrict. These criteria include provisions to reduce the risk of groundwater contamination from fuel or other hazardous liquids and to reduce the risk of surface water contamination from fine sediments.

**Fiscal impact of rule:**

There will be no measurable fiscal impact of these rule changes.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Land Use Planning Commission**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 12 MRS §§ 685-A(7-A), 689  
**Chapter number/title:** **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps): Zoning  
Petition: ZP 759 (Carrying Place Town Twp. — Somerset County)  
(petitioner Maine Land Use Planning Commission, Stacey Beyer)  
**Filing number:** **2017-095**  
**Effective date:** 6/28/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This memo and attachment is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published in the *Kennebec Journal* newspaper. A current copy of the map has been placed on file as required.

**Basis statement:**

Pursuant to 12 MRS §§ 685-A (7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

**ZONING PETITION**

ZP 759

**PETITIONER OR  
COPETITIONER**

Maine Land Use  
Planning Commission,  
Stacey Beyer

**LOCATION**

Carrying Place Town Twp.,  
Somerset County

**Fiscal impact of rule:**

N/A

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry, **Land Use Planning Commission**

**Umbrella-Unit:** **01-672**

**Statutory authority:** 5 MRS §§ 8001-10008; 12 MRS §§ 401-409, 681-689; 38 MRS §§ 341-H, 630-638

**Chapter number/title:** **Ch. 11**, Administrative Regulations for Hydropower Projects (*jointly with 06-096, Department of Environmental Protection, Ch. 450, filing 2017-125*)

**Filing number:** **2017-124**

**Effective date:** 11/2/2017

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The purpose of the rule amendment is to revise Ch. 450 and Ch. 11 so they are:

1. consistent with the authorizing statutes and the Department's Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR ch. 2;
2. re-organized to reference the jurisdiction of the Department, including removing any reference to the Board of Environmental Protection;
3. updated to replace references to the Land Use Regulation Commission with the Land Use Planning Commission of the Maine Department of Agriculture, Conservation, and Forestry,
4. updated to include language associated with tidal or wave action; and
5. clarify the jurisdiction between the Department and Commission.

The rule amendment is also intended to correct outdated and obsolete references, remove ambiguities and redundancies, and generally make the rule more understandable for the lay reader.

**Basis statement:**

*(See Principal reason or purpose for rule"*

**Fiscal impact of rule:**

None.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Agriculture, Conservation and Forestry,  
**Land Use Planning Commission**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 12 MRS §§ 685-A(7-A), 689  
**Chapter number/title:** **Ch. 10**, Land Use Guidance Maps (Amended Zoning Maps): Zoning  
Petition: ZP 767 (Baring Plt. & Grand Lake Stream Plt. —  
Washington County) (petitioner Washington County  
Commissioners)  
**Filing number:** **2017-129**  
**Effective date:** 8/24/2017  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This memo and attachment is to notify your office of Commission actions to amend certain Land Use Guidance Maps, and that notice of said changes has been published in the *Kennebec Journal* newspaper. A current copy of the map has been placed on file as required.

**Basis statement:**

Pursuant to 12 MRS §§ 685-A (7-A) and 689, the Maine Land Use Planning Commission hereby gives notice of its approval of certain amendments to official Land Use Guidance Maps and that these changes have been placed on file with the appropriate County Registry of Deeds:

<b>ZONING PETITION</b>	<b>PETITIONER OR COPETITIONER</b>	<b>LOCATION</b>
ZP 767	Washington County Commissioners	Baring Plt. & Grand Lake Stream Plt. Washington County

**Fiscal impact of rule:**

N/A