

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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:** 2017 PL ch. 6; 7 MRS ch. 103 Article 1-A; 10 MRS §1023-N  
**Chapter number/title:** **Ch. 31**, Rules for the Operation of Potato Marketing Improvement Fund  
**Filing number:** **2021-172**  
**Effective date:** 8/29/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule amendment implements revisions made by 2017 Public Law Chapter 6, which amended 7 MRS Chapter 103, Article 1-A, §974-A, sub-§2-A. The law now states that the interest rate for state loans is the federal prime rate on the date of loan commitment but may not be greater than 5%. Loans current on the effective date of this subsection may be refinanced at the borrower's request to an interest rate of the federal prime rate but not greater than 5%. A fee for administrative costs, which must be at a rate set by rule by the board but may not exceed 1% of the loan, must be charged on a loan made for a project the total cost of which exceeds \$50,000. This fee must be deposited in the fund.

**Basis statement:**

The Department testified in favor of supporting LD 204, *An Act To Amend the Law Regarding the Interest Rate for State Loans under the Potato Marketing Improvement Fund*. A fixed 5% loan rate for this program was unattractive to borrowers who want to avoid interest payments that do not reflect current market conditions. Earlier this year the rule change was signed into law by the governor which will make the interest rates more competitive by changing the fixed 5% to follow the federal prime interest rate on the date of the loan commitment but may not be greater than 5%. Undertaking this routine technical rule making on ch. 31 is necessary to make ensure our rules are consistent with this law.

**Fiscal impact of rule:**

No fiscal impact, other than funds being made more attractive to qualified borrowers and lowers the interest rate of current borrowers.

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**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** **01-001**  
**Statutory authority:** 7 MRS ch. 401 §§ 2101-2105; 7 MRS ch. 1 §12; 7 MRS §411 §2352  
**Chapter number/title:** **Ch. 252**, Rules Governing Seed Certification in the State of Maine  
**Filing number:** **2021-173**  
**Effective date:** 8/29/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The changes include eliminating the mandatory post-harvest testing requirement for out of state exports of seed potatoes. An additional change will also be limiting growers challenging the post-harvest testing result re-test with an upper limit of 9%. These changes are adopted to better maintain seed markets and stabilize supply. These rule changes have been proposed and developed with seed potato industry support. These rules will only impact the potato industry and their customers.

**Basis statement:**

This rule change for ch. 252, 7 MRS ch. 401 §§ 2101-2105, 7 MRS ch. 1 §12, and 7 MRS ch. 411 §2352, came about from input from the Executive Seed Council of the Maine Potato board and other industry members to address concerns related to seed supply for out of state exports. This is adopted to better maintain seed markets and stabilize supply. The changes for the Maine Seed Certification Rules are in response to industry requests involving the out of state export of seed potatoes to other, primarily eastern seaboard states for commercial production.

The Department working with industry is proposing to eliminate the mandatory post-harvest testing requirement for out of state exports for commercial production. Seed lots needing recertification and planting in Maine or seed lots destined for export to Canada or internationally will still need to be post-harvest tested to meet phytosanitary and international agreements.

Other changes to the rule include allowing growers who wish to challenge their post-harvest test results the ability to do so with up to 9% total virus. Currently growers can request a re-test up to any limit and industry has requested this change based on statistical data that will limit the potential number of re-tests that the laboratory staff will need to perform. These rule changes have been proposed and developed with seed potato industry support. These rules will only impact the potato industry and their customers.

**Fiscal impact of rule:**

The Department does not anticipate any significant fiscal impact from the adoption of this amendment.

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**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** **01-001**  
**Statutory authority:** 7 MRS §§ 2301-2303  
**Chapter number/title:** **Ch. 268** (*Repeal*), Pine Shoot Beetle Quarantine  
**Filing number:** **2021-038**  
**Effective date:** 2/23/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The repeal of this rule is undertaken because both USDA-APHIS and the Canadian Food Inspection Agency are deregulating pine shoot beetle (PSB) since it has become widespread throughout North America and it has not become a major pest of concern. The state no longer sees a need for the quarantine as well. No other states are going to continue to regulate PSB either.

**Basis statement:**

This rulemaking removes the state quarantine requirements that restrict the movement of wood that may be infested with the pine shoot beetle (PSB). PSB is now considered established in Maine and is not seen as a continued threat to Maine's forests. The determination to repeal the rule came from the deregulation of pine shoot beetle by USDA-APHIS as well as the Canadian Food Inspection Agency. The concern about this beetle in Maine has subsided.

The Secretary of State published a notice on December 12, 2020 and by that date over 7500 companies and individuals representing horticulture and forestry interests in the state had been notified by email. No public hearing was held.

The comment period ended on January 8, 2021 and no comments were received. Therefore, the Department staff decided to adopt the rule as proposed repealing the entire pine shoot beetle quarantine.

**Fiscal impact of rule:**

Repeal of the rule will reduce requirements for shippers and the DACF so all impacts will be positive not negative.

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**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** **01-001**  
**Statutory authority:** 7 MRS §§ 2301-2303  
**Chapter number/title:** **Ch. 271** (*Repeal*), Gypsy Moth Quarantine  
**Filing number:** **2021-039**  
**Effective date:** 2/23/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The repeal of this rule is undertaken because the quarantine is now a federal quarantine and the state quarantine is obsolete. USDA-APHIS will now enforce their quarantine throughout the entire state.

**Basis statement:**

Gypsy moth has been a federally regulated pest for over 25 years. Maine has been infested with European gypsy moth since 1906. The state has been monitoring the spread of these pests for over 30 years. The infestation now covers almost the entire state so there is no need to regulate European gypsy moth within Maine's borders.

The Secretary of State published a notice on December 12, 2020 and by that date over 7500 companies and individuals representing horticulture and forestry interests in the state had been notified by email. No public hearing was held.

The comment period ended on January 8, 2021 and no comments were received. Therefore, the Department staff decided to adopt the rule as proposed repealing the entire gypsy moth quarantine.

**Fiscal impact of rule:**

Repeal of the rule will not reduce or increase any requirements so the fiscal impact is minimal. It will reduce the phytosanitary inspection burden for the DACF.

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**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** **01-001**  
**Statutory authority:** 7 MRS §§ 2301-2303  
**Chapter number/title:** **Ch. 275**, Emerald Ash Borer Quarantine  
**Filing number:** **2021-083**  
**Effective date:** 4/21/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To prevent the spread of Emerald Ash Borer, a highly destructive pest of all types of true ash trees, within the State of Maine.

**Basis statement:**

Emerald Ash Borer (EAB) has been a federally regulated pest since 2010. It has already killed millions of ash trees from Minnesota to Texas and Georgia to New Hampshire. The US Department of Agriculture, Animal & Plant Health Inspection Service deregulated EAB on January 14, 2021 which was one of the reasons for amending Chapter 275 by adding an exterior quarantine to replace the federal quarantine. Additionally, Maine has now seen significant mortality in ash trees in western York County and parts of Cumberland and Oxford Counties, while the Aroostook County infestation appears to be moving slower. Even though EAB is spreading in the southeastern part of the state the Maine Forest Service estimates that over 90% of Maine's ash remains uninfested.

Unfortunately, only a fraction of a percent of Maine's more than 400 million stems of white, green and black/brown ash are expected to survive this insect's attack. The first detection for emerald ash borer in Maine was in Madawaska on May 22, 2018 and subsequent infestations were found in Frenchville and Grand Isle. In September of 2018 EAB was detected on monitoring traps in Lebanon and Acton. It was also detected in trees in Acton and Berwick in February 2019. In October and November of 2019 EAB was found in a monitoring trap in Payson Park in Portland and in girdled trap trees in the towns of Alfred, Kittery, and Limington.

After the 2018 and early 2019 discoveries, the State adopted a quarantine of the northeast corner of Aroostook County and all of York County. Chapter 275 became law on April 10, 2019. Since then, eight new infested towns were added to the EAB infestation map in 2020 and 2021. The new towns included one each in Aroostook and Androscoggin Counties, two in Cumberland County and four in York County.

This amendment adds an exterior quarantine to regulate ash materials that may be imported into the state from other states and Canada. It also extends the quarantine to encompass the newly discovered populations and provides a two-town buffer area around the newly infested town of Grand Isle in northern Aroostook County. Three other Aroostook towns west of the infested area were added to help facilitate the delivery of much needed fuel wood to the residents of Saint John Plantation, Saint Francis and Allagash.

The Secretary of State published a newspaper notice on February 24, 2021 and over 5,657 companies and individuals representing municipal, arboriculture, horticulture, outdoor recreation, firewood and forestry interests in the state were notified electronically. Additional press releases were also picked up by print and broadcast media. A virtual public hearing was held due to COVID-19 restrictions on March 16, 2021 where seven individuals provided comments and two others were just observing.

The comment period ended on April 2, 2021 and fourteen comments were received. A summary of comments and responses to those comments are published in a separate

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document. All the comments were in support of the quarantine, but there were varied reactions to the three options proposed for expansion of the northern Maine regulated area. Option 1, a three township expansion just south of Hamlin, was preferred by three commenters, Option 2, added three townships west of Fort Kent to the towns in Option 1, was explicitly supported by 4 commenters and Option 3, which added a much larger area to the south and west, was only supported by one commenter. Eight of the commenters expressed no preference for any one of the options. The proposal to remove composted and uncomposted ash chips from the list of regulated materials was not opposed by any commenter and was specifically supported by one commenter. One Tribal commenter urged the Department to develop guidelines for ash chip size or treatment to help assure that EAB is not spread by those chips. One other commenter suggested expansion of the southern Maine regulated area, while ten Tribal commenters expressed great concern for the loss of the brown ash because of its seminal importance to their culture and their basket makers.

The Department's staff reviewed the comments on April 9, 2021 and noted that the comments regarding options 1 – 3 warrant adoption of option 2. The Department therefore decided to adopt Chapter 275 creating a new exterior quarantine, deregulating composted and uncomposted ash chips and expanding the regulated area in Aroostook County by adding six new minor civil divisions (Allagash, Caswell, Connor Township, New Sweden, Saint Francis and Saint John Plantation).

**Fiscal impact of rule:**

The fiscal impact of the proposed rule on state government should be minimal (~\$5,000). The state will continue to monitor the spread of EAB but will lose some funds provided by USDA-APHIS for that purpose. The funds should be moved to the EAB biocontrol program and MFS should receive greater fiscal assistance for that part of the EAB response. Education and enforcement have already been ongoing and should continue with a minor increase in effort. Impacts on firewood dealers could continue if their unregulated market area is not expanded by options 2 and 3 of the proposal. Otherwise, they will need to purchase a heat treatment system or negotiate a special compliance agreement with MFS. Municipalities could suffer major budget impacts from the eventual need to remove or treat roadside or park ash trees, however the quarantine should help slow the spread and allow the towns time to prepare. Finally, Wabanaki tribal basket makers may be significantly impacted if brown/black ash resources are restricted or lost due to EAB and the quarantine. We would not expect the economic impact to be above \$1,000,000.

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**Agency name:** Department of Agriculture, Conservation and Forestry  
**Umbrella-Unit:** **01-001**  
**Statutory authority:** 7 MRS §2910  
**Chapter number/title:** **Ch. 329**, Rule Governing Maine Milk and Milk Products  
**Filing number:** **2021-003**  
**Effective date:** 1/12/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The principal reason for the rule amendments to Ch. 329, *Rule Governing Maine Milk and Milk Products*, to be consistent with recommendations of the 2019 United States Public Health Service (USPHS), Food and Drug Administration (FDA) Grade “A” Pasteurized Milk Ordinance (PMO) required by 7 MRSA §2910. Amendments update both procedures and standards governing the inspection and examination, licensing, permitting, testing, labeling and sanitation of milk and milk product production and distribution. In addition, the rule proposes minor increases to the permit fee structure which have not occurred in over 25 years.

**Basis statement:**

Ch. 329: *Rule Governing Maine Milk and Milk Products* of the Maine Department of Agriculture, Conservation & Forestry, Division of Quality Assurance establishes rules that are consistent with recommendations of the 2019 United States Public Health Service (USPHS), Food and Drug Administration (FDA) Grade “A” Pasteurized Milk Ordinance (PMO). These amendments to the rule are necessary to be in compliance with Federal standards, so that Maine Milk Producers can ship milk in interstate commerce required by 7 MRSA §2910.

The State last amended the rule based on the 2003 edition of the USPHS/FDA Grade “A” PMO by reference in 2006. To be consistent, USFDA urged, the State to amend the current rule to be up to date with the provisions of the 2019 version of the PMO, so to take advantage of the most current developments in milk sanitation and administration. The proposed amendments will take advantage of the latest public health benefits, as well as those economic in nature.

In addition, the rule proposes minor increases to the permit fee structure which have not occurred in over 25 years.

**Fiscal impact of rule:**

None.

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**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 #02-21**

**Filing number:** **2021-028**

**Effective date:** 1/31/2021

**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 2021** minimum Class I price is **\$18.79/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 **\$23.99/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.87.**

**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 **\$15.72/cwt.** and a Class IV price of **\$13.36/cwt.** for **December 2020.** The Class II price for **December 2020** is **\$14.01/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 **\$18.79/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 January 21, 2021 and therefore should be passed on in minimum prices effective January 31, 2021. 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.



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**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 #03-21**

**Filing number:** **2021-045**

**Effective date:** 2/28/2021

**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 2021** minimum Class I price is **\$18.45/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 **\$2.79/cwt.** handling fee for a total of **\$24.11/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.88.**

**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 **\$16.04/cwt.** and a Class IV price of **\$13.75/cwt.** for **January 2021.** The Class II price for **January 2021** is **\$14.18/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 \$1.63/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 February 18, 2021 and therefore should be passed on in minimum prices effective February 28, 2021. 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 **\$.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.

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**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 #04-21**

**Filing number:** **2021-064**

**Effective date:** 4/4/2021

**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 2021** minimum Class I price is **\$18.76/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 **\$23.96/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.86.**

**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 **\$15.75/cwt.** and a Class IV price of **\$13.19/cwt.** for **February 2021.** The Class II price for **February 2021** is **\$14.00/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 **\$18.76/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 March 18, 2021 and therefore should be passed on in minimum prices effective April 4, 2021. 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.

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**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 #05-21**

**Filing number:** **2021-089**

**Effective date:** 5/2/2021

**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 2021** minimum Class I price is **\$20.35/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 **\$0.93/cwt.** handling fee for a total of **\$24.15/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.89**.

**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 **\$16.15/cwt.** and a Class IV price of **\$14.18/cwt.** for **March 2021**. The Class II price for **March 2021** is **\$15.07/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 **\$20.35/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 April 22, 2021 and therefore should be passed on in minimum prices effective May 2, 2021. 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.

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**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 #06-21**

**Filing number:** **2021-111**

**Effective date:** 5/30/2021

**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 2021** minimum Class I price is **\$21.54/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 **\$0.47/cwt.** handling fee for a total of **\$24.88/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.96.**

**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 **\$17.67/cwt.** and a Class IV price of **\$15.42/cwt.** for **April 2021.** The Class II price for **April 2021** is **\$15.56/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 **\$21.54/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 May 20, 2021 and therefore should be passed on in minimum prices effective May 31, 2021. These prices also include a handling fee of \$0.47/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.

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**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 #07-21**

**Filing number:** **2021-137**

**Effective date:** 7/4/2021

**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 2021** minimum Class I price is **\$20.67/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 **\$0.93/cwt.** handling fee for a total of **\$24.47/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.93**.

**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 **\$18.96/cwt.** and a Class IV price of **\$16.16/cwt.** for **May 2021**. The Class II price for **May 2021** is **\$16.22/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 **\$20.67/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 June 24, 2021 and therefore should be passed on in minimum prices effective July 4, 2021. 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, 2021 to December 31, 2021**  
*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 #08-21**

**Filing number:** **2021-151**

**Effective date:** 8/1/2021

**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 2021** minimum Class I price is **\$20.15/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 **\$0.93/cwt.** handling fee for a total of **\$23.95/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.88.**

**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 **\$17.21/cwt.** and a Class IV price of **\$16.35/cwt.** for **June 2021.** The Class II price for **June 2021** is **\$16.66/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 \$1.63/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 July 22, 2021 and therefore should be passed on in minimum prices effective August 1, 2021. 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 **\$.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, 2021 to December 31, 2021**  
*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 #09-21**  
**Filing number:** **2021-171**  
**Effective date:** 8/29/2021  
**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 2021** minimum Class I price is **\$19.84/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 **\$1.40/cwt.** handling fee for a total of **\$24.11/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.89**.

**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 **\$16.49/cwt.** and a Class IV price of **\$16.00/cwt.** for **July 2021**. The Class II price for **July 2021** is **\$16.83/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 \$1.63/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 August 19, 2021 and therefore should be passed on in minimum prices effective August 29, 2021. 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, 2021 to December 31, 2021**  
*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 #10-21**

**Filing number:** **2021-192**

**Effective date:** 10/3/2021

**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 2021** minimum Class I price is **\$20.33/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 **\$0.93/cwt.** handling fee for a total of **\$24.13/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.89**.

**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 **\$15.95/cwt.** and a Class IV price of **\$15.92/cwt.** for **August 2021**. The Class II price for **August 2021** is **\$16.51/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 **\$20.33/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 September 23, 2021 and therefore should be passed on in minimum prices effective October 3, 2021. 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 **\$.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, 2021 to December 31, 2021**  
*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 #11-21**

**Filing number:** **2021-222**

**Effective date:** 10/31/2021

**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 2021** minimum Class I price is **\$21.23/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 **\$0.47/cwt.** handling fee for a total of **\$24.57/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$3.94.**

**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 **\$16.53/cwt.** and a Class IV price of **\$16.36/cwt.** for **September 2021.** The Class II price for **September 2021** is **\$16.89/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 **\$21.23/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 October 21, 2021 and therefore should be passed on in minimum prices effective October 31, 2021. These prices also include a handling fee of \$0.47/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, 2021 to December 31, 2021**  
*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 #12-21**

**Filing number:** **2021-239**

**Effective date:** 11/28/2021

**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 2021** minimum Class I price is **\$22.42/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 **\$0.47/cwt.** handling fee for a total of **\$25.76/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$4.04.**

**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 **\$17.83/cwt.** and a Class IV price of **\$17.04/cwt.** for **October 2021.** The Class II price for **October 2021** is **\$17.08/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 **\$22.42/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 November 18, 2021 and therefore should be passed on in minimum prices effective November 28, 2021. These prices also include a handling fee of \$0.47/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, 2021 to December 31, 2021**  
*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 #01-22**

**Filing number:** **2021-260**

**Effective date:** 1/2/2022

**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 2022** minimum Class I price is **\$22.96/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 **\$0.47/cwt.** handling fee for a total of **\$26.30/cwt.**, which includes a processor assessment of \$0.20/cwt. Thus the minimum retail price of a gallon of whole milk is set at **\$4.10**.

**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 **\$18.03/cwt.** and a Class IV price of **\$18.79/cwt.** for **November 2021**. The Class II price for **November 2021** is **\$18.40/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 **\$22.96/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 23, 2021 and therefore should be passed on in minimum prices effective January 2, 2022. These prices also include a handling fee of \$0.47/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, 2021 to December 31, 2021**  
*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, 263-C, 264, 267-A, 268, 272-B, 272-C, 279,  
279-A, 279-E, 281, 298

**Chapter number/title:** **Ch. 7, Racing**

**Filing number:** **2021-138**

**Effective date:** 7/4/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

To update a number of provisions consistent with modern racing rules, including: that it is the trainer's responsibility to ensure that their horse is raced correctly; that the horse remains in the paddock until either tested or released per the Presiding Judge; adopting the United States Trotting Association's language on the use of the whip; paying purses to the top six finishers, removing the Querrion rule, revising the coupling language, and numerous other changes.

**Basis statement:**

The Commission proposed numerous amendments and updates to ch. 7. Some of the more substantive proposals included eliminating the need to requalify following an equipment change, repealing the Querrion Rule, modifying the requirement for coupled entries, a requirement that horses not leave the paddock until it has been determined which horse need testing, a reorganization of the whipping rule to model the US Trotting Association, and extending purse payments to six horses. The Commission took extensive testimony and received written comments on the proposals, and it deliberated the merits of many specific amendments.

The Commission adopted some proposals, modified others, and rejected payments to six horses based largely on comments received, and in some cases findings made by the Commission.

**Fiscal impact of rule:**

*(No response)*

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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, 263-C, 264, 267-A, 268, 272-B, 272-C, 279,  
279-A, 279-E, 281, 298

**Chapter number/title:** **Ch. 9**, Sire Stakes

**Filing number:** **2021-139**

**Effective date:** 7/4/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

To prevent the coupling of horses in a race and the segregation of horses with common ownership into separate divisions. Also to remove the subsection stating that Sire Stakes horses must adhere to the 45-day rule.

**Basis statement:**

The Commission proposed three amendments to ch. 9. The first amendment eliminates the requirement that stakes horses must comply with the 45 day rule found in ch. 7. The second amendment prohibits the coupling of horses entered into a Sire Stakes race, and the third amendment prohibits the segregation of horses with common ownership into separate divisions during the draw.

The Commission reviewed the comments and deliberated on the merits of the proposals. The Commission determined that the proposed amendment relating to the 45 day rule was reasonable, however requested that it be clear that horses must meet Sire Stakes standards. Consequently, the Commission elected to adopt the proposed amendments with the alteration.

The other two amendments regarding coupling and segregation both received a multitude of comments opposing the proposed changes. Upon review of the comments and discussion by the Commission, both amendments were rejected.

**Fiscal impact of rule:**

*(No response)*

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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, 263-C, 264, 267-A, 268, 272-B, 272-C, 279,  
279-A, 279-E, 281, 298

**Chapter number/title:** **Ch. 13**, Pari-Mutuel Wagering

**Filing number:** **2021-065**

**Effective date:** 3/29/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

To modernize the language to reflect current bets accepted, provide a table illustrating the minimum wagers as they pertain to the various types of betting pools and specify when certain types of bets can be wagered.

**Basis statement:**

Ch. 13 of the Commission's rules had not been extensively reviewed or amended in many years. At the same, industry standards for pari-mutuel oversight and the types of wagers that are offered and popular had changed significantly over recent years, leaving ch. 13 largely out of sync with modern day standards. Consequently, the Commission undertook a complete overhaul of ch. 13, including the addition of a number of more modern wagers and a reduction in the minimum wager amounts.

**Fiscal impact of rule:**

*(No response)*

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 §1893(1)(B)  
**Chapter number/title:** **Ch. 18**, ATV Municipal/County Grant-in-Aid Program  
**Filing number:** **2021-088**  
**Effective date:** 5/3/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This amendment will:

- Raise the State's grant cost share from 70% up to but not to exceed a rate of 90%, reducing the local match from 30% to 10%;
- Add counties to the eligible government entities to receive the Grant-in-Aid Program.

**Basis statement:**

The amendment to the rules of the ATV Municipal Grant-in-Aid Program raise the State's grant cost share from 70% up to but not to exceed a rate of 90%, reducing the local match from 30% to potentially 10%. The amendment also, adds counties to the eligible government entities to receive the Grant-In-Aid Program. Adding counties, as an eligible government entity, to receive funding through the ATV Municipal Grant-In-Aid Program.

Many ATV clubs are financially unable to achieve the 30% math requirement. By reducing the local match requirement, this amended rule holds the clubs responsible for a portion of the funding without imposing an unrealistic financial burden. The amendment also allows for regional consolidation for grant administration and makes it possible to more effectively fund ATV trails unorganized territories. Anticipated additional revenue to the ATV program makes it possible to increase the state's cost share at this time.

The issue of the state not reimbursing a high enough level was raised by both landowners and clubs as part of the Governor's ATV Task Force which is why we are addressing it through rule changes.

**Fiscal impact of rule:**

An increase in cost to the grant program of approximately \$500,000 is projected, based on grants made in 2020. This increase in the amounts granted to municipalities/counties will be covered by the increase in ATV registration revenues that the bureau began receiving in fiscal 2020.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**

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

**Statutory authority:** 1 MRS §408-A; 12 MRS §§ 684, 685-B(2), 685-C(3), 685-F

**Chapter number/title:** **Ch. 1** (*Repeal and replace*), Fee Schedule

**Filing number:** **2021-170**

**Effective date:** 11/1/2021

**Type of rule:** Major Substantive

**Emergency rule:** No

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

**Basis statement:**

The Land Use Planning Commission has finally adopted this repealed and replaced fee schedule in an ongoing practice to ensure that each of the agency's rules are appropriate, fair, and current. Specifically, the replacement rule is viewed as refinements to ensure an equitable assessment of fees, with due consideration of project complexity and impacts; ensuring that fees are commensurate with the proposed development or services.

**Fiscal impact of rule:**  
None identified



**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 12 MRS §§ 685-A(3), 685-A(7-A), 685-C(5)  
**Chapter number/title:** **Ch. 2 (New)**, Definitions  
**Filing number:** **2021-177**  
**Effective date:** 11/1/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

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

**Basis statement:**

The revisions collectively improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. All other revisions represent typical rule maintenance.

**Fiscal impact of rule:**

The revisions will not change the regulatory effect of the rules and therefore will not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**

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

**Statutory authority:** 12 MRS §§ 684, 685-B(1-B), 685-C(5)

**Chapter number/title:** **Ch. 3** (*Repeal*), Delegation of Authority to Staff

**Filing number:** **2021-183**

**Effective date:** 11/1/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The Maine Use Planning Commission repeals ch. 3 and repeals and replaces ch. 4 and 5. The changes for each of these three rules collectively will improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. Some edits simplify the rule by consolidating notice provisions, clarify existing practice, and include provisions previously located in ch. 10 of the Commission's rules. All other revisions represent typical rule maintenance.

**Basis statement:**

The revisions collectively improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. All other revisions represent typical rule maintenance.

**Fiscal impact of rule:**

The revisions will not change the regulatory effect of the rules and therefore will not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**

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

**Statutory authority:** 12 MRS §§ 684, 685-B(1-B), 685-C(5)

**Chapter number/title:** **Ch. 4** (*Repeal and replace*), Rules of Practice

**Filing number:** **2021-184**

**Effective date:** 11/1/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The Maine Use Planning Commission repeals ch. 3 and repeals and replaces ch. 4 and 5. The changes for each of these three rules collectively will improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. Some edits simplify the rule by consolidating notice provisions, clarify existing practice, and include provisions previously located in ch. 10 of the Commission's rules. All other revisions represent typical rule maintenance.

**Basis statement:**

The revisions collectively improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. All other revisions represent typical rule maintenance.

**Fiscal impact of rule:**

The revisions will not change the regulatory effect of the rules and therefore will not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**

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

**Statutory authority:** 12 MRS §§ 684, 685-B(1-B), 685-C(5)

**Chapter number/title:** **Ch. 5** (*Repeal and replace*), Rules for the Conduct of Public Hearings

**Filing number:** **2021-185**

**Effective date:** 11/1/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The Maine Use Planning Commission repeals ch. 3 and repeals and replaces ch. 4 and 5. The changes for each of these three rules collectively will improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. Some edits simplify the rule by consolidating notice provisions, clarify existing practice, and include provisions previously located in ch. 10 of the Commission's rules. All other revisions represent typical rule maintenance.

**Basis statement:**

The revisions collectively improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. All other revisions represent typical rule maintenance.

**Fiscal impact of rule:**

The revisions will not change the regulatory effect of the rules and therefore will not have a fiscal impact.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**  
**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 372C (Dallas Plt. & Sandy River Plt. —  
Franklin County) (petitioner Arctaris Saddleback Company)  
**Filing number:** **2021-036**  
**Effective date:** 1/27/2021  
**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 372C

**PETITIONER OR  
COPETITIONER**

Arctaris Saddleback  
Company

**LOCATION**

Dallas Plt. & Sandy River Plt.,  
Franklin County

**Fiscal impact of rule:**

N/A

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**  
**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 781 (Osborn — Hancock County) (petitioner  
Christina Ryan & Jacob Ribar)  
**Filing number:** **2021-096**  
**Effective date:** 4/29/2021  
**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**

**PETITIONER OR  
COPETITIONER**

**LOCATION**

ZP 781

Christina Ryan  
& Jacob Ribar

Osborn,  
Hancock County

**Fiscal impact of rule:**

N/A

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**  
**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  
**Filing number:** **2021-178**  
**Effective date:** 11/1/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

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

**Basis statement:**

The revisions collectively improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. All other revisions represent typical rule maintenance.

**Fiscal impact of rule:**

Not applicable to ch. 10 pursuant to 12 MRS §685-A(7-A)(B).

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**

**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 785 (Winterville Plt. — Aroostook County)  
(petitioner Reynold and Iris Raymond)

**Filing number:** **2021-238**

**Effective date:** 11/17/2021

**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.

**Fiscal impact of rule:**

N/A



**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*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 (LUPC)**  
**Umbrella-Unit:** **01-672**  
**Statutory authority:** 12 MRS §§ 685-A(3), 685-A(7-A), 685-C(5)  
**Chapter number/title:** **Ch. 16**, Rules Relating to Large Lot Land Divisions  
**Filing number:** **2021-179**  
**Effective date:** 11/1/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

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

**Basis statement:**

The revisions collectively improve user convenience by consolidating or reorganizing provisions without changing their regulatory effect, and revise visual characteristics to simplify or otherwise clarify each rule. All other revisions represent typical rule maintenance.

**Fiscal impact of rule:**

The revisions will not change the regulatory effect of the rules and therefore will not have a fiscal impact.