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DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
2020-2021 Regulatory Agenda

18-119: Office of the State Controller
18-125: Bureau of Revenue Services
18-389: Bureau of Human Resources
18-553: Bureau of Alcoholic Beverages and Lottery Operations
18-554: Bureau of General Services
18-691: Office of Marijuana Policy

AGENCY UMBRELLA-UNIT NUMBER: **18-119**
AGENCY NAME: **Office of the State Controller**

CONTACT PERSON: Douglas Cotnoir, State Controller, Office of the State Controller, 14 State House Station, Augusta, Maine 04333-0014, (207) 626-8428, Douglas.E.Cotnoir@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2020-2021 RULE-MAKING ACTIVITY:

CHAPTER 1: TRAVEL AND EXPENSE REIMBURSEMENT POLICIES

STATUTORY BASIS: 5 M.R.S. §1541, subsection 13.

PURPOSE: These regulations specify official policy which governs travel and expense reimbursement for State employees and officials, the definition of which expenses are reimbursable and the levels of such reimbursement.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine State Employees who may travel in the course of their official duties.

AGENCY UMBRELLA-UNIT NUMBER: **18-125**
AGENCY NAME: **Bureau of Revenue Services**

CONTACT PERSON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, ME 04333-0024, (207) 624-9712, Alexander.J.Weber@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2020-2021 RULE-MAKING ACTIVITY:

CHAPTER 102: ELECTRONIC FUNDS TRANSFER

STATUTORY BASIS: 36 M.R.S. §§ 112 and 193

PURPOSE: This rule describes the requirements for tax and other types of payments by electronic funds transfer. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers who make Maine tax payments with Maine Revenue Services.

CHAPTER 103: RECORDKEEPING AND RETENTION

STATUTORY BASIS: 36 M.R.S. §§ 112 and 135

PURPOSE: This rule describes the requirements for the maintenance and retention of books, records, and other sources of information necessary for the determination of a person's correct tax liability, including records received, created, maintained, or generated electronically. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers.

CHAPTER 104: FILING OF MAINE TAX RETURNS

STATUTORY BASIS: 36 M.R.S. §§ 112 and 193

PURPOSE: This rule describes the requirements for filing certain Maine tax returns, including mandatory electronic filing of certain Maine tax returns. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers who file Maine tax returns with Maine Revenue Services.

CHAPTER 201: RULES OF PROCEDURE USED TO DEVELOP STATE VALUATION

STATUTORY BASIS: 36 M.R.S.A. §§ 112, 201, 208, and 305

PURPOSE: The State Tax Assessor must annually perform state valuation for each municipality and for each county containing unorganized territory, to determine market value of all taxable property in the state. Municipal market values are used to calculate the distribution of municipal revenue sharing and State aid for education. Rule 201 establishes the guidelines for the state valuation process. The rule must be amended to clarify current policy, make adjustments for consistency, and make various technical changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine municipal assessors and municipal officials.

CHAPTER 202: TREE GROWTH TAX LAW VALUATIONS

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, and 576

PURPOSE: 36 M.R.S. § 576 requires the State Tax Assessor to annually establish the current use values for forest land enrolled in the Tree Growth Tax Law program. The current use values are determined after considering area growth rates, tree-type distributions, and timber stumpage sales during previous calendar years. The annual current use values are used to determine municipal property tax rates for affected land and State reimbursements to municipalities. The rule is being repealed and replaced to update the per acre values for the tax year beginning April 1, 2021.

SCHEDULE FOR ADOPTION: By April 1, 2021.

AFFECTED PARTIES: All Maine municipal assessors and Maine taxpayers with land enrolled in the Tree Growth Tax Law program.

CHAPTER 205: CERTIFICATION OF ASSESSORS

STATUTORY BASIS: 36 M.R.S. §§ 112 and 310-314

PURPOSE: Certification of municipal assessors in the State of Maine is the responsibility of the State Tax Assessor. Rule 205 governs the examination, certification, and continuing education requirements under 36 M.R.S. § 311. The rule is being amended to incorporate updates and clarifications and to make technical changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine municipal assessors, municipal officials, and people interested in becoming assessors.

CHAPTER 207: REAL ESTATE TRANSFERS

STATUTORY BASIS: 36 M.R.S. §§ 112, 305, and 4641-E

PURPOSE: 36 M.R.S. § 4641-E authorizes the State Tax Assessor to adopt rules necessary to carry out the purposes of the real estate transfer tax. Rule 207 clarifies the process of assessing, collecting, and reporting the tax for transfers of controlling interest. The rule is being amended to explain the tax and to make other changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Sellers and buyers of Maine real property, county registrars, and professionals involved in the selling and buying of Maine real property.

CHAPTER 208: REVALUATION GUIDELINES

STATUTORY BASIS: 36 M.R.S. §§ 112, 328, 330, 331

PURPOSE: This rule explains in further detail the process of revaluation of property and presents guidance for professionals providing revaluation services, established in accordance with statutory provisions. The rule is being amended to adopt procedures to encourage compliance with the law.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine municipal assessors, entities performing municipal revaluations, and Maine residents.

CHAPTER 301: SALES FOR RESALE AND SALES OF PACKAGING MATERIALS

STATUTORY BASIS: 36 M.R.S. §§ 112, 1752(11)(B), 1754-B, 1756, and 1760(12-A)

PURPOSE: Explains procedures and certification requirements for making sales for resale, certain sales to lessors and service providers, and sales of packaging materials exempt from sales tax. This rule is being amended to incorporate recently enacted legislation and make other update and clarification changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Retailers and resellers of tangible personal property and taxable services.

NEW CHAPTER 325: BUNDLED TRANSACTIONS

STATUTORY BASIS: 36 M.R.S. §§ 112, 1811

PURPOSE: This rule would be promulgated to clarify how the sales tax on a transaction containing both taxable and non-taxable items would be calculated or apportioned.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Retailers and resellers of tangible personal property and taxable services.

NEW CHAPTER 402: RENTAL OF VIDEO MEDIA AND DIGITAL STREAMING SERVICES

STATUTORY BASIS: 36 M.R.S. §§ 112, 2551(21), and 2552

PURPOSE: This rule would be promulgated to clarify that the definition of "video media [and] video equipment" under the Service Provider Tax includes video media provided by a digital streaming service provider and would be subject to the service provider tax.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Providers of digital streaming services.

NEW CHAPTER 403: BUNDLED TRANSACTIONS

STATUTORY BASIS: 36 M.R.S. §§ 112, 2552

PURPOSE: This rule would be promulgated to clarify how the service provider tax on a transaction containing both taxable and non-taxable services would be calculated or apportioned.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Providers of taxable services under the Service Provider Tax.

CHAPTER 603: MAINE ESTATE TAX AFTER 2012

STATUTORY BASIS: 36 M.R.S. §§ 112 and 4101-4119

PURPOSE: This rule explains in further detail Maine estate tax laws for estates of decedents dying after 2012. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All resident and nonresident taxpayers subject to the Maine estate tax.

CHAPTER 801: APPORTIONMENT

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5210-5212

PURPOSE: This rule explains Maine income tax apportionment for business entities. Maine Revenue Services anticipates amending this rule to update and clarify issues related to Maine income tax apportionment.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Business taxpayers that have nexus with Maine and that have income from business operations in more than one state.

CHAPTER 803: WITHHOLDING TAX REPORTS AND PAYMENTS

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5250-5255-B

PURPOSE: This rule identifies income subject to Maine withholding, prescribes the methods for determining the amount to withhold, and explains the related reporting requirements. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Businesses that are subject to the Maine income tax withholding requirement.

CHAPTER 805: COMPOSITE FILING

STATUTORY BASIS: 36 M.R.S. § 112

PURPOSE: This rule stipulates procedures and requirements by which a pass-through entity files a single income tax return for all of its participating nonresident owners or members. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Partnerships, estates, trusts, and S corporations that participate in the Maine income tax composite filing program.

CHAPTER 806: NONRESIDENT INDIVIDUAL INCOME TAX

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5142

PURPOSE: This rule provides guidance regarding income taxation of individual taxpayers who are nonresidents of Maine. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Nonresident individuals who are subject to Maine income tax.

CHAPTER 807: RESIDENCY

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5102(5)

PURPOSE: This rule addresses the determination and effect of an individual's residency status with respect to Maine individual income tax. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Individuals who are subject to Maine income tax.

CHAPTER 808: CORPORATE INCOME TAX NEXUS

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5200-5202-C

PURPOSE: This rule describes the circumstances under which a foreign corporation is subject to the income tax jurisdiction of Maine. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Corporations subject to the Maine corporate income tax.

CHAPTER 810: MAINE UNITARY BUSINESS TAXABLE INCOME, COMBINED REPORTS AND TAX RETURNS

STATUTORY BASIS: 36 M.R.S. §§ 112, 5102, and 5200

PURPOSE: This rule explains standards for determining Maine income tax for unitary businesses and for filing combined reports and related tax returns. Maine Revenue Services anticipates amending this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: Unitary businesses subject to the Maine income tax.

CHAPTER 812: CREDIT FOR EDUCATIONAL OPPORTUNITY

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5217-D

PURPOSE: This rule explains in further detail the Maine income tax credit for educational opportunity pursuant to 36 M.R.S. § 5217-D. Maine Revenue Services anticipates amending this rule for updates and clarification and to reflect Maine tax law changes.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim this credit.

CHAPTER 813: PROPERTY TAX FAIRNESS CREDIT

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-KK

PURPOSE: This rule provides guidance for the calculation of the Property Tax Fairness Credit. Maine Revenue Services may amend this rule for updates and clarification.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All Maine taxpayers subject to the Maine income tax and eligible to claim the credit.

NEW CHAPTER 817: CREDIT FOR MAJOR FOOD PROCESSING AND MANUFACTURING FACILITY EXPANSION

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-VV

PURPOSE: This new rule would provide definitions and explanations of statutory terms and procedures for claiming the credit for major food processing and manufacturing facility expansion pursuant to 36 M.R.S. § 5219-VV.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All businesses eligible to claim the credit.

NEW CHAPTER 818: RENEWABLE CHEMICALS TAX CREDIT

STATUTORY BASIS: 36 M.R.S. §§ 112 and 5219-XX

PURPOSE: This new rule would provide definitions and explanations of statutory terms and procedures for claiming the renewable chemicals tax credit pursuant to 36 M.R.S. § 5219-XX.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All taxpayers eligible to claim the credit.

AGENCY UMBRELLA-UNIT NUMBER: **18-389**

AGENCY NAME: **Bureau of Human Resources**

CONTACT PERSON: J. Thaddeus Cotnoir, Public Service Manager II, 4 State House Station, Augusta, ME 04333-0004, (207) 624-7799, Thaddeus.Cotnoir@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2020-2021 RULE-MAKING ACTIVITY:

CHAPTER 1: PURPOSE, ADOPTION AND AMENDMENT OF RULES AND DEFINITION OF TERMS

STATUTORY BASIS: 5 MRSA §7036, sub-§17

PURPOSE: Ensures definitions are consistent with Civil Service Law and the Administrative Procedure Act, reflecting changes in policy and procedures as a result of changes to these laws.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 2: INTERMITTENT EMPLOYMENT

STATUTORY BASIS: 5 MRSA §7053

PURPOSE: To comply with the Civil Service Law and to provide clarification of the benefits available to intermittent employees.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 3: DIVISIONS OF THE CLASSIFIED SERVICE

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065; Ch. 147, P&SL 06/14/76

PURPOSE: Identifies the competitive, non-competitive (also known as "direct hire"), and labor divisions of Maine State Service.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 4: CLASSIFICATION PLAN

STATUTORY BASIS: 5 MRSA §7061

PURPOSE: Explains the classification plan and mechanism for its maintenance.

Defines the allocation and re-allocation of positions and related actions. Identifies the purpose and use of classification specifications and classification titles and states the mechanism for appeals of classification actions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 5: COMPENSATION PLAN

STATUTORY BASIS: 5 MRSA §§ 7036 and 7065

PURPOSE: Defines the compensation plan in terms of fixed salary schedules as adopted, published, and emended for covered classifications of work in Maine State Service. Identifies pay rates, presents overtime provisions and gives rates of pay for specific personnel actions such as new hires, promotions, demotions, transfers, non-standard work designations, and project appointments.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 6: APPLICATIONS AND EXAMINATIONS

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Provides information and procedures regarding the character and content of examinations and related announcement/examination administration practices.

Gives requirements for admission, outlines exam scoring and notice procedures, and presents the mechanism for appeal of examination results.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 7: ELIGIBLE REGISTERS

STATUTORY BASIS: 5 MRSA §§ 7034, 7036, 7052, 7053, 7062, 7064

PURPOSE: Identifies the types of employment registers and the manner in which they are maintained and used. Establishes a mechanism for adding and removing names and specifies the normal duration of registers.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 8: CERTIFICATION AND APPOINTMENT

STATUTORY BASIS: 5 MRSA §§ 781-791, 7034, 7036, 7051, 7052, 7053, 7054, 7055, 7062, 7064

PURPOSE: Establishes rules which govern appointments to position vacancies in the classified service. Includes procedures for appointments made by certification from classification registers and for appointments resulting from nominations submitted by appointing authorities. Provisions are also included for: apprentice, trainee, and conditional appointment referrals that may be authorized by the Director; acting capacity assignments; and the reemployment of retired persons.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 9: PROBATIONARY PERIOD

STATUTORY BASIS: 5 MRSA §§ 7036, 7051

PURPOSE: Identifies the purpose and duration of the probationary period and presents the mechanism for transition from probationary to permanent status.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 10: PERFORMANCE APPRAISAL AND TRAINING

STATUTORY BASIS: 5 MRSA §§ 7036, 7065, 7070

PURPOSE: Identifies the purpose and requirements for the performance appraisal system and establishes a mechanism for internships and apprentice training.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 11: HOLIDAYS, LEAVE OF ABSENCE AND RELATED COMPENSATION PRACTICES

STATUTORY BASIS: 5 MRSA §§ 721-727, 7036

PURPOSE: Designates holidays and related compensation procedure and presents regulations governing leaves of absence with pay and without pay. Includes sick leave, vacation leave, military leave, educational leave, jury duty and court appearances, workers' compensation, and unclassified service appointments.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 12: DISCIPLINARY ACTION, DEMOTION AND LAYOFF

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063, 7064

PURPOSE: Presents the basis and procedure for demotions, suspensions and dismissals in the State service; the procedure for resignation in good standing; and the statewide mechanism for addressing the unavoidable layoff of employees.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 13: COMPLAINTS, GRIEVANCES AND INVESTIGATIONS

STATUTORY BASIS: 5 MRSA §§ 7036, 7051, 7081-7085

PURPOSE: Presents the various mechanisms through which complaints and/or grievances of State employees may be discovered, filed and/or heard, and related investigation and enforcement powers of the Director with respect to proper administration and application of the Civil Service Law to these rules.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 14: EMPLOYEE WORK RECORDS AND PAYROLL CERTIFICATION PROCEDURE

STATUTORY BASIS: 5 MRSA §§ 7070, 7071

PURPOSE: Provides information and establishes procedures with respect to employment history and records maintained by the appointing authority and the Bureau of Human Resources. Provides requirements for information regarding changes in employee status for purposes of payroll authorization and the permanent record thereof. Provides access to public records, with restriction.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: New hire applicants, confidential employees and bargaining unit employees of Maine State Government in matters not otherwise covered by collective bargaining agreements.

CHAPTER 15: THE MAINE MANAGEMENT SERVICE

STATUTORY BASIS: 5 MRSA §§ 7031, 7034, 7036, 7051, 7052, 7061, 7065, 7081-7085

PURPOSE: This chapter, adopted in 2002, establishes the Maine Management Service and provides separate and distinct rules for confidential employees who occupy

positions that are specifically designated as included in the Maine Management Service. Provides a definition and outlines the goals of the Maine Management Service; provides the manner in which positions are included in the Maine Management Service; and defines terms associated with the Maine Management Service. This chapter also provides a classification and compensation plan for the Maine Management Service; provides unique procedures for recruitment, application, selection, training, and development. This chapter also provides a unique procedure for layoff, complaints, grievances, investigations, and discipline of employees included in the Maine Management Service.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Applicants for positions included in the Maine Management Service, confidential employees who occupy positions that are specifically designated as included in the Maine Management Service.

AGENCY UMBRELLA-UNIT NUMBER: **18-553**

AGENCY NAME: **Bureau of Alcoholic Beverages and Lottery Operations (BABLO)/Maine State Liquor and Lottery Commission**

CONTACT PERSON: Gregg Mineo, Director, 8 State House Station, Augusta, ME 04333-0008, (207) 287-8289, Gregg.Mineo@Maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2020-2021 RULE-MAKING ACTIVITY:

CHAPTER 2: PRICING OF SPIRITS

STATUTORY BASIS: 28-A MRSA. §83

PURPOSE: To establish such rules as necessary for the administration of the state liquor laws under the jurisdiction of the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Agency liquor stores and licensees; wholesale distributors of spirits and suppliers of spirits.

CHAPTER 3: ON-PREMISE DATA COLLECTION

STATUTORY BASIS: 28-A MRSA. §453-C, sub-§4, ¶D

PURPOSE: To establish such rules as necessary for mitigating the costs incurred by reselling agents in providing sales data of spirits to on-premise licensees to the Bureau of Alcoholic Beverages and Lottery Operations.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Agency liquor stores that are licensed as reselling agents.

CHAPTER 4: RULES GOVERNING THE PROCESS FOR THE RELOCATION OF AN AGENCY LIQUOR STORE WITHIN THE SAME MUNICIPALITY

STATUTORY BASIS: 28-A MRS §453-D, sub-§3.

PURPOSE: To establish a process by which an agency liquor store may provide support of or objection to the relocation of another agency liquor store within the same municipality.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons licensed as an agency liquor store.

CHAPTER 10: MAINE STATE LOTTERY

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish such rules as necessary for the operation of the Maine State Lottery including types of games offered, subscriptions, price of tickets, number and size of prizes, manner of selecting winning tickets, the method of paying prizes, the sale of tickets and the licensing, performance, fee charges and commission of ticket agents.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

CHAPTER 20: POWERBALL

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

CHAPTER 40: MEGA MILLIONS

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

CHAPTER 50: LUCKY FOR LIFE

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

CHAPTER 70: WORLD POKER TOUR GAME RULES

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a Maine only lottery including any marketing and promotion of the lottery game.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

CHAPTER 80: LOTTO AMERICA GAME RULES

STATUTORY BASIS: 8 MRSA §374

PURPOSE: To establish rules for the operation of a multi-jurisdictional lottery including any marketing and promotion of lottery games with other jurisdictions.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Licensed Lottery Retail Agents and the Public.

CHAPTER 101: OPERATION AND CONTROL OF ALL LICENSED PREMISES

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of 28-A MRSA Maine Liquor Laws.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons owning and/or operating premises licensed to sell and/or serve alcoholic beverages pursuant to applicable provisions of 28-A MRSA.

CHAPTER 102: PREMISES LICENSED FOR ON-PREMISES CONSUMPTION ONLY

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for on-premises consumption of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be consumed on-premises.

CHAPTER 103: PREMISES LICENSED FOR OFF-PREMISES SALES ONLY

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to licenses for off-premises sales of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons owning and/or operating premises where alcoholic beverages may be sold off-premises.

CHAPTER 104: PREMISES LICENSED AS WHOLESALERS, MANUFACTURERS AND CERTIFICATES OF APPROVAL

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to wholesalers and manufacturers of alcoholic beverages, and certificates of approval.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Wholesalers and manufacturers of alcoholic beverages; holders of certificates of approval.

CHAPTER 105: LABELING

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to the labeling of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Labelers of alcoholic beverages.

CHAPTER 106: SALESMEN

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to salespersons selling alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Salespersons selling alcoholic beverages.

CHAPTER 107: ADVERTISING AND SIGNS APPLICABLE TO ALL LICENSE HOLDERS

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of provisions of 28-A MRSA Maine Liquor Laws, applicable to persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons licensed to sell and/or serve alcoholic beverages who advertise and/or place signs regarding the sale and/or service of alcoholic beverages.

CHAPTER 110: AGENCY LIQUOR STORES

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 120: LICENSING PROCEDURE

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 130: SELECTION AND LOCATION OF AGENCY LIQUOR STORES

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 140: MERCHANDISING AND STOCK

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

CHAPTER 150: SIGNS AND ADVERTISING

STATUTORY BASIS: 28-A MRSA §83-A.

PURPOSE: To ensure for the effective administration of applicable provisions of 28-A MRSA Maine Liquor Laws, relating to agency liquor stores.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for an agency liquor store license.

NEW CHAPTER 160: DEFINITION OF BRAND

STATUTORY BASIS: Resolve 2013, chapter 89.

PURPOSE: To assist licensees under Title 28-A, chapters 55 and 57 in defining brand for the distribution of malt beverages and wine.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: Persons holding or applying for a certificate of approval holder or wholesaler license.

AGENCY UMBRELLA-UNIT NUMBER: **18-554**

AGENCY NAME: **Bureau of General Services**

CONTACT PERSON: Jaime Schorr, Chief Procurement Officer, Bureau of Business Management, 9 State House Station, Augusta, Maine 04333-0009, (207) 624-7355, Jaime.C.Schorr@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2020-2021 RULE-MAKING ACTIVITY:

CHAPTER 110: RULES FOR THE PURCHASE OF SERVICES AND AWARDS

STATUTORY BASIS: 5 M.R.S.A. §1825-C

PURPOSE: This rule outlines the procedures to be used in the purchase of services and the awarding of grants and contracts.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All interested parties doing business with the State of Maine and State Agencies purchasing goods or services.

CHAPTER 120: RULES FOR APPEAL OF CONTRACT AND GRANT AWARDS

STATUTORY BASIS: 5 M.R.S.A. §1825-(C) (D) (E) (F)

PURPOSE: This rule outlines the procedures and criteria to be used in the appeal of contract or grant awards, outlines the appointment of an Appeal Committee, describes procedures to be used in hearing an appeal and how appellants will be notified of final agency action.

SCHEDULE FOR ADOPTION: By June 2021.

AFFECTED PARTIES: All interested parties doing business with the State of Maine and State Agencies purchasing goods or services.

AGENCY UMBRELLA-UNIT NUMBER: **18-691**

AGENCY NAME: **Office of Marijuana Policy**

CONTACT PERSON: Gabi Pierce, Policy Director, Office of Marijuana Policy, 162 State House Station, Augusta, ME 04333-0162, (207) 530-0507, Gabi.Pierce@Maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: Portions of Adult Use Marijuana Program Rule, 18-691 CMR, ch. 1; Rules for the Certification of Marijuana Testing Facilities, 18-691 CMR, ch. 5.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

EXPECTED 2020-2021 RULEMAKING ACTIVITY

CHAPTER 1: ADULT USE MARIJUANA PROGRAM RULE

STATUTORY BASIS: 28-B M.R.S, CHAPTER 1; PL 2019, ch. 676

PURPOSE: These regulations specify the minimum standards for Adult Use Marijuana Program Licensees; revisions to this Rule are in response to changes to the program in PL 2019, ch. 676 (emergency, March 23, 2020) to expand authorized sample collection activities by Adult Use Marijuana Program Licensees and creation of a new “sample collector” license type.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: All Adult Use Marijuana Program licensees.

CHAPTER 2: MAINE MEDICAL USE OF MARIJUANA PROGRAM RULE

STATUTORY BASIS: 22-M.R.S, CHAPTER 558-C

PURPOSE: These regulations specify the minimum standards for Maine Medical Use of Marijuana Program registrants. Revisions to this rule include reorganization, the creation of a registration certificate for caregiver retail stores, inventory tracking requirements, and the incorporation of standards for registered manufacturing facilities and inherently hazardous substance registrants from 18-691 CMR, ch. 4, which will be concurrently repealed upon adoption of this rule.

SCHEDULE FOR ADOPTION: By November 2020.

AFFECTED PARTIES: All Maine Medical Use of Marijuana Program registrants.

CHAPTER 4: MARIJUANA MANUFACTURING FACILITIES RULE

STATUTORY BASIS: 22-M.R.S, CHAPTER 558-C

PURPOSE: These regulations specify the minimum standards for Maine Medical Use of Marijuana Program registrants engaged in marijuana extraction and manufacturing. These regulations will be integrated in the 18-691 CMR, ch. 2, the Medical Use of Marijuana Program Rule, and this existing rule will be repealed.

SCHEDULE FOR REPEAL: By November 2020.

AFFECTED PARTIES: All Maine Medical Use of Marijuana Program registrants extracting or manufacturing marijuana for medical use.

CHAPTER 5: RULES FOR THE CERTIFICATION OF MARIJUANA TESTING FACILITIES

STATUTORY BASIS: 28-B M.R.S CHAPTER 1; PL 2019, ch. 676

PURPOSE: These regulations specify minimum standards for marijuana testing facilities licensed under the Adult Use Marijuana Program. Revisions to include authorization for all Adult Use Marijuana Program licensees to collect samples of marijuana and marijuana products for mandatory testing.

SCHEDULE FOR ADOPTION: By September 2021.

AFFECTED PARTIES: All Adult Use Marijuana Program licensees.