

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-014: Chapter 3, Schedule of Minimum Prices

Statutory Authority: 22 M.R.S. §§ 42(1) and (8), 3104

Type: Routine Technical

Emergency?: Yes

Fiscal impact: None

Principal purpose: *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 M.R.S.A. Section 2954.*

The final February 2024 minimum Class I price is \$21.24/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 \$24.58/cwt., which includes a processor assessment of \$0.20/cwt. Thus, the minimum retail price of a gallon of whole milk is set at \$4.06.

Basis Statement: *Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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 \$19.23/cwt. for December 2023.

The Class II price for December 2023 is \$19.88/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the February 2024 Federal Order Class I price of \$21.24/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 18, 2024 and therefore should be passed on in minimum prices effective January 28, 2024. 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.

2024-015: Chapter 20, Special Provisions

Statutory Authority:	22 M.R.S. Ch. 258-A
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>Moving language from the policy “Positive Identification of Proper Treatment Site by Commercial Applicators” into Chapter 20: Special Provisions may have fiscal impacts for companies or master applicators that violate these provisions in the form of consent agreements, legal fees, or license suspension. There are no fiscal impacts anticipated from implementation of Chapter 31, Chapter 32, which address clarity of rule to reduce confusion and federal rule incorporated by reference.</i>
Principal purpose:	<i>Chapter 20 – Amendments to this chapter address applicators properly identifying treatment sites. This rule is amended to address several violations of BPC’s policy “Positive Identification of Proper Treatment Site by Commercial Applicators”. This amendment will give the Board the ability to enforce violations once the requirements and penalties are outlined in rule.</i>
Basis Statement:	<p><i>Chapter 20 – Two amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Adopting current policy language into rule to make “Proper Identification of Treatment Sites” methods enforceable. Adding language from this policy under subsection 1-4 and creating a new subsection 5 that allows master applicators to submit their own methods for identifying treatment sites.</i> <i>2. Adding a section B that outlines penalties if violations occur over a 5-year period.</i> <p><i>Chapter 31 – Two amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Combining categories 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one category 7C Disinfectant and Biocide and retaining language from the other categories under this new category.</i> <i>2. Combining competency standards for 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one competency standard 7C Disinfectant and Biocide and retaining language from the other competency standard categories to align with language from the category descriptions in Section 2.</i> <p><i>Chapter 32 – One amendment is proposed:</i></p> <ol style="list-style-type: none"> <i>1. Adding requirements for certified applicators supervising noncertified applicators that align with federal standards outlined in 40 CFR 171.201 (2023). These standards are required by EPA for certification and training program updates.</i> <p><i>The amendments to the proposed rule are in response to several needs BPC has identified in its rules. The amendments to Chapter 20 are for enforcement purposes, as the current policy regarding proper identification of treatment sites is not sufficient for violations, additionally the Board has added provisions where licensure suspension can be considered for violations of the new rules. The amendments to Chapter 31 are for administrative purposes, combining 7C: Disinfectant and Biocide subcategories 1. Disinfectant and Biocide Treatments, 2. Swimming Pool & Spa Treatments, and 3. Mold Remediation into one category 7C: Disinfectant and Biocide will reduce confusion among applicators on what testing is need for their</i></p>

licensure. This change also comes as a new manual for all three groups has been updated and will be easier to distribute if all are considered the same category. The amendments to Chapter 32 are requirements for updates to Maine's Certification and Training Plan, as mandated by the United States Environmental Protection Agency (EPA).

Eleven comments were received. Comments received for Chapter 20 included a concern for the strictness of the amendments, with an emphasis on the impact of small and large businesses. Many agreed that there is an issue of identifying the correct treatment sites in Maine. Commenters discussed the length of the penalties, asked for additional clarity and if there were licensure categories that would be exempt from these amendments, and discussed customer confidentiality. For Chapter 32, commenters wanted clarity in the rule that these federal requirements applied to restricted-use pesticides.

01-026 Department of Agriculture, Conservation, and Forestry, Board of Pesticides Control	
2024-016: Chapter 31, Certification and Licensing/Commercial Applicators	
Statutory Authority:	22 M.R.S. § 1471-D
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>Moving language from the policy “Positive Identification of Proper Treatment Site by Commercial Applicators” into Chapter 20: Special Provisions may have fiscal impacts for companies or master applicators that violate these provisions in the form of consent agreements, legal fees, or license suspension. There are no fiscal impacts anticipated from implementation of Chapter 31, Chapter 32, which address clarity of rule to reduce confusion and federal rule incorporated by reference.</i>
Principal purpose:	<i>Chapter 31—Amendments to this chapter are to address the need for one comprehensive category that encompasses all of the 7C categories. Given that these categories all use one manual, combining all of the 7C categories and competency standards reduces confusion for prospective applicators that want to be licensed in one or all of these groups.</i>
Basis Statement:	<p><i>Chapter 20 – Two amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Adopting current policy language into rule to make “Proper Identification of Treatment Sites” methods enforceable. Adding language from this policy under subsection 1-4 and creating a new subsection 5 that allows master applicators to submit their own methods for identifying treatment sites.</i> <i>2. Adding a section B that outlines penalties if violations occur over a 5-year period.</i> <p><i>Chapter 31 – Two amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Combining categories 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one category 7C Disinfectant and Biocide and retaining language from the other categories under this new category.</i> <i>2. Combining competency standards for 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one competency standard 7C Disinfectant and Biocide and retaining language from the other competency standard categories to align with language from the category descriptions in Section 2.</i> <p><i>Chapter 32 – One amendment is proposed:</i></p> <ol style="list-style-type: none"> <i>1. Adding requirements for certified applicators supervising noncertified applicators that align with federal standards outlined in 40 CFR 171.201 (2023). These standards are required by EPA for certification and training program updates.</i> <p><i>The amendments to the proposed rule are in response to several needs BPC has identified in its rules. The amendments to Chapter 20 are for enforcement purposes, as the current policy regarding proper identification of treatment sites is not sufficient for violations, additionally the Board has added provisions where licensure suspension can be considered for violations of the new rules. The amendments to Chapter 31 are for administrative purposes, combining 7C: Disinfectant and Biocide subcategories 1. Disinfectant and Biocide Treatments, 2. Swimming Pool & Spa Treatments, and 3. Mold Remediation into one category 7C: Disinfectant and Biocide will reduce confusion among applicators on what testing is need for their</i></p>

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01-026 Department of Agriculture, Conservation, and Forestry, Board of Pesticides Control	
2024-017: Chapter 32, Certification and Licensing/Private Applicators	
Statutory Authority:	22 M.R.S. § 1471-D(2-D) and M(1)(C-1)
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>Moving language from the policy “Positive Identification of Proper Treatment Site by Commercial Applicators” into Chapter 20: Special Provisions may have fiscal impacts for companies or master applicators that violate these provisions in the form of consent agreements, legal fees, or license suspension. There are no fiscal impacts anticipated from implementation of Chapter 31, Chapter 32, which address clarity of rule to reduce confusion and federal rule incorporated by reference.</i>
Principal purpose:	<i>Chapter 32 – Additions to this chapter are required by U.S. Environmental Protection Agency for Maine’s certification and training plan update document to be accepted. This aligns Maine with federal standards for non-certified applicator requirements, which were not addressed in the previous plan. This incorporates 40 CFR 171.201 (2023) by reference.</i>
Basis Statement:	<p><i>Chapter 20 – Two amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Adopting current policy language into rule to make “Proper Identification of Treatment Sites” methods enforceable. Adding language from this policy under subsection 1-4 and creating a new subsection 5 that allows master applicators to submit their own methods for identifying treatment sites.</i> <i>2. Adding a section B that outlines penalties if violations occur over a 5-year period.</i> <p><i>Chapter 31 – Two amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Combining categories 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one category 7C Disinfectant and Biocide and retaining language from the other categories under this new category.</i> <i>2. Combining competency standards for 7C(1) Disinfectant and Biocide Treatments, 7C(2) Swimming Pool & Spa, and 7C(3) Mold Remediation into one competency standard 7C Disinfectant and Biocide and retaining language from the other competency standard categories to align with language from the category descriptions in Section 2.</i> <p><i>Chapter 32 – One amendment is proposed:</i></p> <ol style="list-style-type: none"> <i>1. Adding requirements for certified applicators supervising noncertified applicators that align with federal standards outlined in 40 CFR 171.201 (2023). These standards are required by EPA for certification and training program updates.</i> <p><i>The amendments to the proposed rule are in response to several needs BPC has identified in its rules. The amendments to Chapter 20 are for enforcement purposes, as the current policy regarding proper identification of treatment sites is not sufficient for violations, additionally the Board has added provisions where licensure suspension can be considered for violations of the new rules. The amendments to Chapter 31 are for administrative purposes, combining 7C: Disinfectant and Biocide subcategories 1. Disinfectant and Biocide Treatments, 2. Swimming Pool & Spa Treatments, and 3. Mold Remediation into one category 7C: Disinfectant and Biocide will reduce confusion among applicators on what testing is need for their</i></p>

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Eleven comments were received. Comments received for Chapter 20 included a concern for the strictness of the amendments, with an emphasis on the impact of small and large businesses. Many agreed that there is an issue of identifying the correct treatment sites in Maine. Commenters discussed the length of the penalties, asked for additional clarity and if there were licensure categories that would be exempt from these amendments, and discussed customer confidentiality. For Chapter 32, commenters wanted clarity in the rule that these federal requirements applied to restricted-use pesticides.

2024-044: Chapter 3, Schedule of Minimum Prices

Statutory Authority: 5 M.R.S. § 8054; 7 M.R.S. § 2954

Type: Routine Technical

Emergency?: Yes

Fiscal impact: None

Principal purpose: *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 M.R.S.A. Section 2954.*

The final March 2024 minimum Class I price is \$22.05/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 \$25.39/cwt., which includes a processor assessment of \$0.20/cwt. Thus, the minimum retail price of a gallon of whole milk is set at \$4.13.

Basis Statement: *Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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 \$15.17/cwt. and a Class IV price of \$19.39/cwt. for January 2024.

The Class II price for January 2024 is \$20.04/cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the March 2024 Federal Order Class I price of \$22.05/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 22, 2024 and therefore should be passed on in minimum prices effective March 3, 2024. 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.

01-001 Department of Agriculture, Conservation, and Forestry	
2024-052: Chapter 400, Administrative Cost Grants	
Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	<p><i>Basis Statement</i> 01-001 C.M.R. c. 400-408</p> <p><i>The nine new rules to be codified at 01-001 C.M.R. ch. 400-408 effectuate elements of the Plan for Administration of the Fund to Address PFAS Contamination. Both the plan and the rules are authorized by 7 MRS §§ 320-K - 320-L (2021) and P.L. 2021, ch. 635. The rules establish eligibility criteria, administrative procedures, evaluation criteria, and appeals procedures for programs to provide income replacement payments, no-cost technical assistance, infrastructure grants, assistance acquiring new loans, and administrative cost grants to PFAS-impacted commercial farms. Likewise, the rules establish eligibility criteria, administrative procedures, evaluation criteria, and appeals procedures for a competitive research grant program, and programs to provide financial support to enhance access to PFAS blood serum testing and mental health support for eligible persons.</i></p> <p><i>Elements of the adopted rules vary from the proposed rules because of comments received during the public comment period. Specifically,</i></p> <p><i>01-01 C.M.R. c. 400, Administrative Cost Grants</i></p> <ul style="list-style-type: none"> <i>•§1. Overview. In the third line, inserted “partially” in response to a comment from Adrienne Lee, New Beat Farm and PFAS Fund Advisory Committee member, that 80 hours’ worth of compensation will not fully compensate all producers for the time they must devote to PFAS response.</i> <i>•§10. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund’s rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.</i>

01-001 C.M.R. c. 401, Income Replacement

- *§3(9). Definitions. Added a definition for service providers. This change is a consequence of a revision to §9(2) requested by Meagan Hennessey, DACF PFAS Response Director, and Adam Nordell, Defend Our Health (see below).*
- *§8(3). Inflationary Factor. The method of calculating the inflationary factor was refined so that it can be applied more consistently based on a comment from Meagan Hennessey, DACF PFAS Response Director. Related clarifying language was added to §8(4) and §8(5) too.*
- *§8(4). Maximum Payments. In response to comments from Adam Nordell, Defend Our Health, and Heather Spaulding, MOFGA, the text was revised to clarify that income replacement payments are for up to 24 months and that the original baseline income calculation will be used for all applications from a given producer.*
- *§9(2). Cessation of Operations. Based on comments from Meagan Hennessey, DACF PFAS Response Director, and Adam Nordell, Defend Our Health, this section was revised to allow DACF more flexibility in determining when a livestock farm ceased operation.*
- *§9(3). Cessation of Operations. Replaced “business planner” with “service provider” as a consequence of changes made to §9(2) requested by Meagan Hennessey, DACF PFAS Response Director, and Adam Nordell, Defend Our Health.*
- *§13. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund’s rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.*

01-01 C.M.R. c. 402, Support for No-Cost Technical Assistance

- *§7(1). Application Review. Combined the original §7(1) (“When a commercial farm requests no-cost technical assistance, DACF will rely on all available information it has compiled on the farm to assess the request”) with the original §7(2) (evaluation criteria) and changed “will include” to “may include but not be limited to” in the second sentence to emphasize that DACF will consider all available information when making funding determinations. This change was made in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund’s rules.*
- *§7(1). Application Review. Added the degree to which a farm has been impacted by PFAS contamination as an evaluation criterion based on a comment Adam Nordell, Defend Our Health, made on 01-001 C.M.R. c. 403. The same change was made to rules 402, 403, and 404 for consistency.*
- *§8(3). Payment Options and Restrictions. Based on a comment from Adrienne Lee, New Beat Farm and PFAS Fund Advisory Committee member, edited this sentence to allow for reimbursement for eligible costs that were incurred before these rules were finalized.*
- *§10. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that*

flexibility be built into the PFAS Fund's rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.

01-001 C.M.R. c. 403, Infrastructure Investment Grants

• §7(3). Application Review. Shifted “DACF will consider all available information it has compiled on the farm to assess the request” from the last sentence to the first sentence to be consistent with the format of the Application Review sections in 01-001 C.M.R. c. 402 and c. 404. In the second sentence, changed “will include” to “may include but not be limited to” to emphasize that DACF will consider all available information when making funding determinations. This change was made in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund's rules.

• §7(3). Application Review. Added the degree to which a farm has been impacted by PFAS contamination as an evaluation criterion based on a comment from Adam Nordell, Defend Our Health. The same change was made to rules 402, 403, and 404 for consistency.

• §8(3). Payment Options and Restrictions. Based on a comment from Adrienne Lee, New Beat Farm and PFAS Fund Advisory Committee member, on 01-001 C.M.R. c. 402, edited this sentence to allow for reimbursement for eligible costs that were incurred before these rules were finalized.

• §9(6). Terms and Conditions. In response to comments from Heather Spaulding, MOFGA, Bill Pluecker, State Representative and House Chair of ACF Committee, Adam Nordell, Defend Our Health, and Mary Street, Ledgerock Farm, this section was revised to give DACF discretion about when to seek recovery when infrastructure purchased by the PFAS Fund is sold, traded, abandoned, or destroyed.

• §11. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund's rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.

01-001 C.M.R. c. 404, Assistance Obtaining New Loans

• §7(1). Application Review. Combined the original §7(1) (“When a commercial farm requests assistance obtaining a new loan, DACF will rely on all available information it has compiled on the farm to assess the request”) with the original §7(2) (evaluation criteria) and changed “will include” to “may include but not be limited to” in the second sentence to emphasize that DACF will consider all available information when making funding determinations. This change was made in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund's rules.

• §7(1). Application Review. Added the degree to which a farm has been impacted by PFAS contamination as an evaluation criterion based on a comment from Adam Nordell, Defend Our Health.

• §10. Waiver. This is a new section added in response to comments from Amanda

Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund's rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.

01-001 C.M.R. c. 405, Real Estate Purchases

• §3. Definitions. Heather Spaulding, MOFGA, commented that the definition of sludge did not reference compost. The absence of a reference to compost is of no consequence because §8(6) has been revised to eliminate the source of PFAS contamination as a prioritization criterion. Consequently, there is no need to define sludge or septage and these definitions have been eliminated from §3.

• §5(3). Eligibility. Based on a comment from Meagan Hennessey, DACF PFAS Response Director, and recognizing that farmland is often held by multiple generations of the same family, this section was modified to allow landowners who acquired property through an estate to be eligible for land purchases.

• §8(6)(f). Advisory Panel, Prioritization Criteria. Based on a comment from Heather Spaulding, MOFGA, the source of PFAS contamination was eliminated as a prioritization criterion. Consistent with the rules in chapters 400-404, it is the presence of PFAS and its impact on commercial farming that is of concern to DACF, not its source.

• §8(6)(f). Advisory Panel. Based on a comment from Adrienne Lee, New Beat Farm and PFAS Fund Advisory Committee member, this criterion was refined to state that overall property management costs and not just those related to buildings, structure or fixtures would be considered as a prioritization factor.

• §10. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund's rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.

01-001 C.M.R. c. 406, Competitive Research Grants

• §5. Research Advisory Panel. Based on comments from Kody Varahramyan, University of Maine, and Heather Spaulding, MOFGA, the Proposal Review Panel was reconceived as a Research Advisory Panel that will recommend research priorities, propose peer review strategies, and identify peer reviewers. §5(4) was revised to reflect that members of the research advisory panel must recuse themselves from voting on matters in which they have a real or perceived conflict of interest.

• §6. Solicitation and Award Procedures. As a consequence of changes made to §5, this section was revised to replace references to the proposal review panel with references to peer reviewers.

• §10. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund's rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.

01-001 C.M.R. c. 407, Financial Support for PFAS Blood Serum Testing

• §3(7). Definitions. Based on comments from Adam Nordell, Defend Our Health, and Heather Spaulding, MOFGA, struck, “This rule does not apply to unlicensed land applications of residuals.” DACF will still rely on DEP’s determination that exposure is reasonably related to land application of residuals.

• §3(13). Definitions. Based on comments from Adam Nordell, Defend Our Health, and Heather Spaulding, MOFGA, added a definition of sludge-derived products that references a federal definition of Class A sewage sludge (i.e., Class A compost).

• §5(3). Eligibility. Based on comments from Adam Nordell, Defend Our Health, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, revised this section to allow for a case-by-case determination by Maine CDC of eligibility of persons who lived or worked on PFAS-impacted property more than 10 years prior to the discovery of PFAS. Maine CDC will be asked to determine whether well water test results are sufficiently high that an elevated and actionable PFAS blood level is plausible.

• §5(4). Eligibility. Based on comments from Adam Nordell, Defend Our Health, Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, and Heather Spaulding, MOFGA, revised this section to allow DEP to consider its own records as well as “other information available to DEP”. In the application for support for blood testing, DACF can ask a person claiming to have been exposed to a Class A material to provide DACF with documentation demonstrating that they know that they have a sludge-derived product, where the sludge they were exposed to came from, who land applied the material, general timeframe, etc. DACF would then share this information with DEP and ask DEP to determine whether the land application of residuals is reasonably the source of contamination. This process would be consistent with DEP’s current practice when a person with potential exposure to Class A materials wants the State to pay for water/soil testing and their property is not already part of DEP’s PFAS investigation.

• §7(3). Limitations. Based on comments from Adam Nordell, Defend Our Health, and Heather Spaulding, MOFGA, this section was revised to clarify that individuals whose initial test results indicate the need for enhanced medical monitoring will be eligible for further testing and that, to the extent that DACF received personally identifiable medical information, it will protect such information.

• §9. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund’s rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.

01-001 C.M.R. c. 407, Financial Support for Mental Health Care

• §3(7). Definitions. Based on comments from Adam Nordell, Defend Our Health, and Heather Spaulding, MOFGA, struck, “This rule does not apply to unlicensed land applications of residuals.” DACF will still rely on DEP’s determination that exposure is reasonably related to land application of residuals.

• §3(14). Definitions. Based on comments from Adam Nordell, Defend Our Health, and Heather Spaulding, MOFGA, added a definition of sludge-derived products that

references a federal definition of Class A sewage sludge (i.e., Class A compost).

- §5(4). Eligibility. Based on comments from Adam Nordell, Defend Our Health, Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, and Heather Spaulding, MOFGA, revised this section to allow DEP to consider its own records as well as “other information available to DEP”. In the application for support for mental health services, DACF can ask a person claiming to have been exposed to a Class A material to provide DACF with documentation demonstrating that they know that they have a sludge-derived product, where the sludge they were exposed to came from, who land applied the material, general timeframe, etc. DACF would then share this information with DEP and ask DEP to determine whether the land application of residuals is reasonably the source of contamination. This process would be consistent with DEP’s current practice when a person with potential exposure to Class A materials wants the State to pay for water/soil testing and their property is not already part of DEP’s PFAS investigation.*
- §10. Waiver. This is a new section added in response to comments from Amanda Beal, Commissioner of DACF, and Bill Pluecker, State Representative and House Chair of the Agriculture, Conservation and Forestry Committee, urging that flexibility be built into the PFAS Fund’s rules so that DACF can respond nimbly to evolving science and the needs of those seeking support while retaining guardrails to prevent abuse.*

01-001 Department of Agriculture, Conservation, and Forestry	
2024-053: Chapter 401, Income Replacement	
Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	See Basis Statement at 2024-052, <i>supra</i> .

01-001 Department of Agriculture, Conservation, and Forestry	
2024-054: Chapter 402, Support for No-Cost Technical Assistance	
Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	See Basis Statement at 2024-052, <i>supra</i> .

01-001 Department of Agriculture, Conservation, and Forestry	
2024-055: Chapter 403, Infrastructure Investment Grants	
Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	<i>See Basis Statement at 2024-052, supra.</i>

01-001 Department of Agriculture, Conservation, and Forestry

2024-056: Chapter 404, Assistance Obtaining New Loans

Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	See Basis Statement at 2024-052, <i>supra</i> .

01-001 Department of Agriculture, Conservation, and Forestry	
2024-057: Chapter 405, Real Estate Purchases	
Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	<i>See Basis Statement at 2024-052, supra.</i>

01-001 Department of Agriculture, Conservation, and Forestry

2024-058: Chapter 406, Competitive Research Grants

Statutory Authority: 7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3

Type: Routine Technical

Emergency?: No

Fiscal impact: *These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.*

Principal purpose: *These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).*

Basis Statement: See Basis Statement at 2024-052, *supra*.

01-001 Department of Agriculture, Conservation, and Forestry	
2024-059: Chapter 407, Financial Support for Blood Serum Testing	
Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	See Basis Statement at 2024-052, <i>supra</i> .

01-001 Department of Agriculture, Conservation, and Forestry	
2024-060: Chapter 408, Financial Support for Mental Health Care	
Statutory Authority:	7 M.R.S. Ch. 10-D §§ 320-K and 320-L; PL 2021, Ch. 635, § XX-3
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>These rules will help to effectuate Strategies I.A, I.B, I.D, I.E, I.F, II.A, III.A, IV.A, and IV.F of the Plan for Administration of the Fund to Address PFAS Contamination. The projected combined budget of these 9 strategies is \$57,919,000 over 5 years. That is, approximately \$58 million of the \$60 million dollars allocated to the PFAS Fund through PL 2021, ch. 635, part XX could be distributed through the programs established in accordance with these rules.</i>
Principal purpose:	<i>These rules are being proposed to implement Title 7, chapter 10-D. More specifically, the rules are necessary to implement certain portions of the Plan for Administration of the Fund to Address PFAS Contamination. The plan was developed with the advice of the PFAS Fund Advisory Committee and four issue-focused subcommittees, consistent with the directive in PL 2021, chapter 635, section XX-3 (DACF “shall develop and implement an initial plan”). The rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. See 7 MRS § 320-K(6).</i>
Basis Statement:	<i>See Basis Statement at 2024-052, supra.</i>

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-080: Chapter 3, Schedule of Minimum Prices

Statutory Authority: 5 M.R.S. § 8054; 7 M.R.S. § 295

Type: Routine Technical

Emergency?: Yes

Fiscal impact: None

Principal purpose: *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 M.R.S.A. Section 2954.*

*The final **April 2024** minimum Class I price is **\$22.43cwt. plus \$1.63/cwt.** for Producer margins and a **\$1.04/cwt** Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and **\$0.47/cwt.** handling fee for a total of **\$25.77/cwt.**, which includes a processor assessment of **\$0.20/cwt.** Thus, the minimum retail price of a gallon of whole milk is set at **\$4.17.***

Basis Statement: *Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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 \$16.08/cwt. and a Class IV price of \$19.85/cwt. for February 2024.

The Class II price for February 2024 is \$20.53 /cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the April 2024 Federal Order Class I price of \$22.43/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 21, 2024 and therefore should be passed on in minimum prices effective January 28, 2024. 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.

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-097: Chapter 3, Schedule of Minimum Prices

Statutory Authority: 5 M.R.S. § 8054 and 7 M.R.S. § 2954

Type: Routine Technical

Emergency?: Yes

Fiscal impact: None

Principal purpose: *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 M.R.S.A. Section 2954.*

The final May 2024 minimum Class I price is \$21.71/cwt. plus \$1.63/cwt. for Producer margins and a \$1.04/cwt Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$25.05/cwt., which includes a processor assessment of \$0.20/cwt. Thus, the minimum retail price of a gallon of whole milk is set at \$4.11.

Basis Statement: *Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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 \$16.34/cwt. and a Class IV price of \$20.09/cwt. for March 2024.

The Class II price for March 2024 is \$21.12 /cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the May 2024 Federal Order Class I price of \$21.71/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 18, 2024 and therefore should be passed on in minimum prices effective April 28, 2024. 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.

001-001 Department of Agriculture, Conservation, and Forestry	
2024-124: Chapter 702, Rules for the Companion Animal Sterilization Program	
Statutory Authority:	7 M.R.S. §§ 12, 3906-B, 3910-B, 3910-C
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	<i>Expectation is that the Rules will increase efficiency of program delivery. Any potential impact expected to be negligible.</i>
Principal purpose:	<i>Rule changing to accommodate administration by third party and statutory changes in Companion Animal Sterilization Act enacted in 2023.</i>
Basis Statement:	<p><i>The revisions proposed to these rules via this repeal and replace will accommodate administration by a third party and clarify the expectations of the third-party administration per 7 MRS §3910-C Companion Animal Sterilization Fund enacted in 2023. These rules provide necessary guidelines for administering Help Fix ME (Companion Animal Sterilization Fund) to comply with the requirement of engaging a third-party administrator per the 7 MRS §3910-C) Companion Animal Sterilization Fund enacted earlier this year. Additional rules are required to ensure a suitable administrator will be found and to ensure the effective delivery of the program on behalf of the state.</i></p> <p><i>Section 1 changes- The definition of a Dog License was removed as it appears nowhere in this Rule or affiliated statutes.</i></p> <p><i>Section 2 changes- Section 2 now clarifies the selection process for a third-party administrator.</i></p> <p><i>Section 3 changes- Section 3 now explains the administrator's role in ensuring participants are eligible to have their pet or feral cat spayed/neutered through this program. It removes rule-specific eligibility requirements, as these are now in the statute.</i></p> <p><i>Section 4 changes -Section 4 clarifies fees to be paid to veterinary providers and removes references to the manner of participation and payment, as those items are now explicitly included in the statute.</i></p>

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-129: Chapter 3, Schedule of Minimum Prices

Statutory Authority: 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 2954

Type: Routine Technical

Emergency?: Yes

Fiscal impact: None

Principal purpose: *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 M.R.S.A. Section 2954.*

The final June 2024 minimum Class I price is \$23.33/cwt. plus \$1.63/cwt. for Producer margins and a \$1.04/cwt Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$26.67/cwt., which includes a processor assessment of \$0.20/cwt. Thus, the minimum retail price of a gallon of whole milk is set at \$4.25.

Basis Statement: *Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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 \$15.50/cwt. and a Class IV price of \$20.11/cwt. for April 2024.

The Class II price for April 2024 is \$21.23 /cwt. as announced by the Federal Order One Northeast Market Administrator.

The Commission, in setting their minimum prices, recognized the June 2024 Federal Order Class I price of \$23.33/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 May 23, 2024 and therefore should be passed on in minimum prices effective June 2, 2024. 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.

2024-130: Chapter 26, Producer Margins

Statutory Authority: 7 M.R.S. § 3153-B(3)

Type: Major Substantive

Emergency?: No

Fiscal impact: See attachment for detail, estimated increase of \$4,088,815 in FY25 and \$7,675,219 in FY26 to the general fund.

Principal purpose: The principal reason for this rule is the need to establish producer margins for milk sold within the State of Maine in accordance with 7 M.R.S.A. Section 2954.

Basis Statement: BACKGROUND AND STATUTORY FRAMEWORK

Pursuant to the Maine Milk Commission Law 7 M.R.S.A., Section 2951 et seq. the Commission entered into an agreement with Dr. Gary Anderson to investigate the cost of milk production under Maine conditions. Section 2954 (2)(A) of the Milk Commission law gives us our direction for setting producer prices. Because of its importance to these proceedings in enacting a rule recognizing the cost of production for producers, the provision is set forth below:

"The minimum wholesale prices paid to producers are based on the prevailing Class I, Class II and Class III prices in southern New England. After investigation, the Maine Milk Commission may set minimum wholesale prices paid to producers to reflect the costs of producing milk in this State".

In 1990, when Chapter 26 was first adopted, the statute read as below:

"The minimum wholesale price paid to producers shall be based on the prevailing Class I and Class II prices in southern New England and after investigation by the Maine Milk Commission, shall reflect as accurately as possible the increased costs of production".

The changes to the statute adopted in 1994 removed the mandatory language for this adjustment, giving the Commission discretion to recognize (or not) the full cost of producing milk in Maine, but only after investigating these costs.

Changes to the statute by Public Law Chapter 648 adopted in 2004, instruct the Commission to adopt target prices with production ranges for three different levels of production at their breakeven cost of production when a new Maine producer cost-of-production study is completed.

In this rulemaking the Commission is repealing and replacing Chapter 26 to recognize as instructed by statute, the cost of production and target prices with production ranges for four different levels of production at their breakeven cost of production.

In using this rule in the future to set prices, the Commission will also weigh other factors. For example, section 2954 (2) requires the Commission to consider the

public's health and welfare when insuring an adequate supply of milk; prevailing prices in neighboring states; seasonality and other conditions affecting costs of production, transportation and marketing, including a reasonable return to producer, dealer and retailer; taking into consideration the public need for the establishment of retail milk prices at the lowest practicable levels. And, in section 2954 (2)(D) of the Milk Commission law the Commission must also consider, among other things, the effect of pricing decisions on the ability of the Maine dairy industry to compete in supplying milk to Maine consumers, including the extent of any social and economic benefits of maintaining processing plants in different geographic regions or natural marketing areas of the State.

II. PRODUCER MARGIN

We recognize that the intent of the law is to reflect the cost of producing milk in Maine as accurately as possible in the minimum wholesale prices paid to producers. However, we note that the intent of the law also requires the Commission to consider the well being of the whole dairy industry in Maine. Thus, the conclusions of the study and updates thereto that are set forth in Section III below are hereby adopted as the cost of producing milk in Maine and will be used after the effective date of this rule as a guide in setting minimum producer prices. The entire study is attached as Appendix A.

III. CONCLUSIONS OF THE STUDY OF PRODUCING MILK IN MAINE

This project has determined average cost of production estimates for 4 different size configurations of Maine dairy farmers, as well a single average for the entire conventional dairy sector. This estimate is based upon responses from the 2022 Cost of Production survey and interviews conducted by Dr. Gary Anderson, consultant, principal investigator & University of Maine Cooperative Extension Emeritus for the Maine Milk Commission. The survey was used to develop typical farm units to represent the dairy farming population as a whole. The resulting demographic outline of Maine dairy farms determined the number of farms needed in each category to participate in a direct financial audit to accurately reflect the actual income and costs, as well as management and operational methods and practices that impact the financial sustainability of the entire dairy sector.

While a variety of factors of production were reviewed and analyzed, including variable operating expenses, overhead, depreciation and interest, and external financial trends, the average short-run break-even cost of producing milk is the benchmark to be used for assessing the needs of the Maine dairy production sector. The average short-run, break-even price discovered for calendar year 2022 was \$28.49/cwt for Maine dairy producers.

Based on information provided at public hearing on November 22, 2023 and a subsequent 10 day written comment period which ended December 4, 2023 and reflected in the most recent study, "Determining the current cost of producing milk in Maine", the Commission hereby adopts the following 4 levels of target prices,

each representing a range of annual production. These are in accordance with 7 M.R.S.A. Section 2952-A subsection 3 to estimate the short-run break-even point within each tier range of annual production.

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-131: Chapter 61, Maine Milk Pool Cost of Administration

Statutory Authority: 7 M.R.S.A., Section 3154 (2)

Type: Routine Technical

Emergency?: No

Fiscal impact: None

Principal purpose: *The principal reason for this rulemaking is to update the cost of administering the Maine Milk Pool to recover current costs.*

Basis Statement: *Costs incurred for the Maine Milk Pool for personnel services and for operation was approximately \$60,000 in 2023. Based on the last twelve months expenses, it is estimated that the Pool costs for similar expenses for 2024 will be about \$65,000.*

The total pounds in the Pool for calendar year 2023 were 538,315,281 . It is estimated that the total pounds in the Pool for 2024 will be approximately the same.

Based on the above projected costs and pounds the Pool Administrator sets the rate per hundredweight of milk for the cost of administering the Pool for calendar year 2024 at \$0.01/cwt. This represents no change from 2023.

2024-136: Chapter 1, Administration

Statutory Authority: 8 MRS Sections 263-A; 268; 275-C; 279-A; 279-B; and 281

Type: Routine Technical

Emergency?: No

Fiscal impact: None

Principal purpose: *The proposed changes are to promote and ensure the efficiency and integrity of racing meets, to make the rules clearer for both participants and racing officials, and to protect the betting public as well as the horses that compete. The proposed changes to Chapter 1 include:*

- *Sec.1 adding definitions for Purse, Recovery Slip, and Poor Performance;*
- *Sec. 10 modifying and adding grounds for suspension, revocation, refusal, or denial of a license*
- *Sec. 21 updating the Breath Analyzer Test rule to clarify the testing process and potential outcomes/discipline for violation of the rule;*
- *Sec. 22 clarifying that it is a violation to fail to submit to testing*

Basis Statement: *The Commission proposed rule changes for chapters 1, 7, 11, and 17 of the Maine State Harness Racing Commission rule book. Chapter 1 changes included adding definitions for Purse, Recovery Slip, and Poor Performance. The wording for the Breath Analyzer Test section was updated to clarify the testing process. Additionally, the changes added and clarified grounds under which the Commission may suspend, revoke, deny, or refuse to issue a license. Chapter 7 changes address rules pertaining to the steward’s list and race secretary procedures. It also added language about the time a horse must be in the paddock prior to post time of their scheduled race. It also added language to horses leaving the course. Chapter 11 changes made the furosemide rule clearer and more defined to ensure the racing participants are getting an equal opportunity pertaining to the administration of furosemide. Chapter 17 changes updated the penalty guidelines so that they are more accurately reflect the current practices of the officials when they impose a penalty.*

The purpose of the changes are to benefit the licensees, including racing officials and participants, by making the rules clearer and aligning the rules with current practice. The changes also promote efficiency during race meets and ensure the integrity of the harness racing industry so the betting public maintains confidence in the sport. The changes are also geared to ensure the safety and welfare of the horses that participate. Prior to the formal rulemaking process, the Commission held a written comment period from March 6, 2024 to April 5, 2024. There was no public comment hearing on the proposed rulemaking. The comments received and the Commission’s responses to those comments are attached to this Basis Statement. Based on the comments received, the Commission made no changes to the proposed language of the rules.

SPECIFIC FINDINGS REGARDING CHANGES IN PROPOSED AND ADOPTED RULES

1. *The Commission makes a specific finding that the changes listed below may not be consistent with relevant legal and policy frameworks, and the Commission does not adopt the following changes that were originally proposed:*
 - a. *On the basis of legal advice, Chapter 11, § (1)(3)(F) regarding the trainer’s responsibility for horses entered to race, are not adopted into the rule.*

b. Chapter 1, § 21(3), sentences 4 and 5 are not adopted into the rule.

2. The Commission makes a specific finding that a citation to the animal welfare laws referenced in Chapter 1, § 10(1-A)(16) will be helpful to apprise the regulated persons and for enforcement of this provision. Based on this specific finding the Commission will add the following citation: 17 M.R.S. Chapter 42 or 7 M.R.S. 401s. Additionally, the Commission makes a specific finding that it is necessary to clarify that the witnessed animal cruelty or the death of the horse must be observed on association grounds to be reportable. The Commission adopts the following language instead: A person has been found in violation of animal welfare laws in 17 M.R.S. Chapter 42 or 7 M.R.S. 4011 or is a witness to animal cruelty as defined by those laws or the death of a horse on association grounds and does not report it to state officials.

3. The Commission makes a specific finding that it intended to reference the appropriate breath analyzer measurements in Chapter 1, § 21(2)(b) and therefore adopts the following language instead: Breath analyzer results of .05 grams or higher of alcohol per 210 liters of breath shall constitute alcoholic impairment and constitute a violation of this chapter. A licensee may retake the breath analyzer test within a reasonable period of time to confirm or establish test results lower than .05 grams of alcohol per 210 liters of breath. If the second result is below .05 grams of alcohol per 210 liters of breath, the licensee will be allowed to participate.

4. The Commission makes a specific finding that it intended to include the word “administered” in Chapter 11, § 4(2)(B)(3)(c) and therefore adopts the following language instead:

(c) Permitted dosage. A horse eligible to use furosemide will be permitted a dosage equal to a minimum of 100 milligrams (2 cc.) and a maximum of 250 milligrams (5 cc.). The dosage must be administered no less than 3 hours and no more than 3 ½ hours prior to the published post time for that horse's race. Any horse that is past the 3 hour mark for furosemide will be considered late for Lasix. The horse will be allowed to receive furosemide up to 10 minutes past the 3 hour mark with a warning or fine. After 10 minutes the horse will be ineligible to start.

5. The Commission makes a specific finding that in Chapter 7, upon the addition of Poor Performance as a mandatory reason for a horse to be placed on the Steward's List, § 7(2)(G), it intended to remove § 7(2-A)(A) which permissively allows a horse to be placed on the Steward's List for “perform[ing] in a manner inconsistent with its previously demonstrated ability.” The Commission therefore adopts the following language in § 7(2-A) instead:

2-A. A horse may be placed on the “Steward's List” because it:

A. Does not perform properly at the start, or

B. Falls to both knees or falls completely prior to the start.

2024-137: Chapter 7, Racing

Statutory Authority:	8 MRS Sections 263-A; 268; 275-C; 279-A; 279-B; and 281
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	None
Principal purpose:	<p><i>The proposed changes are to promote and ensure the efficiency and integrity of racing meets, to make the rules clearer for both participants and racing officials, and to protect the betting public as well as the horses that compete.</i></p> <p><i>The proposed changes to Chapter 7 include:</i></p> <ul style="list-style-type: none"> • <i>Sec. 6 (9) a horse may be asked to go a qualifying mile;</i> • <i>Sec. 7 adding Poor Performance, scratching a horse in the post parade, or fails to finish a race for reasons other than broken equipment, as reasons for a horse to be placed on the Steward’s List;</i> • <i>Sec. 7(4) requiring a sick horse or lame horse placed on the Steward’s List to produce a Recovery Slip before being allowed to enter;</i> • <i>Sec. 8 adding clarifying language for preference;</i> • <i>Sec. 9 adding language regarding when hobbles may be used;</i> • <i>Sec. 16 (C) allowing a Race Secretary to carry over an event to the next day;</i> • <i>Sec. 30 defining the draw procedure and that the Judges will conduct the draw when there is more than one division;</i> • <i>Sec. 46(3)(B) adding that the Trainer may be required to be in the paddock</i> • <i>Sec. 51 adding time that horses need to be in the paddock;</i> • <i>Sec. 52 (1) changing the minimum age to enter the paddock from 12 to 14;</i> • <i>Sec 54. (o) added language to Leaving the Course;</i> • <i>Sec. 60 added the word inside to the existing rule.</i>
Basis Statement:	See Basis Statement information at 2024-136, <i>supra</i> .

2024-138: Chapter 11, Medications, Prohibited Substances and Testing

Statutory Authority:	8 M.R.S. Sections 263-A; 268; 275-C; 279-A; 279-B; and 281
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	None
Principal purpose:	<p><i>The proposed changes are to promote and ensure the efficiency and integrity of racing meets, to make the rules clearer for both participants and racing officials, and to protect the betting public as well as the horses that compete.</i></p> <p><i>The changes to Chapter 11 include:</i></p> <ul style="list-style-type: none"><i>• Sec. 3(F) making the trainer responsible for any horse in his or her care;</i><i>• Sec. 4 (2) (B) Changing eligibility for the use of Furosemide; Sec. 4 changes the procedure for the administration of Furosemide;</i>
Basis Statement:	See Basis Statement information at 2024-136, <i>supra</i> .

01-017 Department of Agriculture, Conservation, and Forestry, Maine State Harness Racing Commission

2024-139: Chapter 17, Rule Violations; Penalties

Statutory Authority:	8 MRS Sections 263-A; 268; 275-C; 279-A; 279-B; and 281
Type:	Routine Technical
Emergency?:	No
Fiscal impact:	None
Principal purpose:	<p><i>The proposed changes are to promote and ensure the efficiency and integrity of racing meets, to make the rules clearer for both participants and racing officials, and to protect the betting public as well as the horses that compete.</i></p> <p><i>The changes to Chapter 17 include:</i></p> <ul style="list-style-type: none">• <i>Sec. 4 Updating the Penalty Schedules</i>• <i>Sec. 15 adding a reason for a horse not being allowed to compete.</i>
Basis Statement:	<i>See Basis Statement information at 2024-136, supra.</i>

2024-144: Chapter 213, Rules for the Salmonella Enteritidis Risk Reduction and Surveillance Program for Commercial Egg-Type Flocks

Statutory Authority: 7 MRS §1758

Type: Major Substantive

Emergency?: No

Fiscal Impact: None

Principal purpose: *The principal reason for proposing this rule is to bring Maine’s commercial poultry producers into compliance with the Food and Drug Administration’s Egg Safety Rule, Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation, 21 CFR Parts 16 and 118, July 9, 2009. The purpose of the rule is to prevent SE-contaminated eggs from entering the food chain, ensure SE-clean birds reside and produce in SE-clean houses, and control and eradicate SE contamination if it is found within a commercial egg-type flock.*

Basis Statement: *Salmonella Enteritidis (SE) is a bacterial disease of poultry that can also cause illness in humans when they are exposed to the bacteria through uncooked, or undercooked eggs. Due to the high-risk of it causing foodborne illness in humans, SE is a notifiable animal disease in Maine.*

Maine was linked to a large-scale human SE outbreak associated with shell eggs in 2010. During the same year, the FDA released guidance that detailed the Prevention of Salmonella Enteritidis in Shell Eggs During Production, Transportation, and Storage. These rules align Maine with the FDA rules and promote human and animal health.

The Secretary of State published a notice on November 29, 2023. On December 18, 2023, a public hearing was held in Augusta at the Deering building, which included remote access through Microsoft Teams. No one attended in person or virtually and no comments were provided during the public hearing. The comment period ended on December 28, 2023, with zero email/mail received.

2024-148: Chapter 3, Schedule of Minimum Prices**Statutory Authority:** 5 M.R.S. § 8054; 7 M.R.S. § 2954**Type:** Routine Technical**Emergency?:** Yes**Fiscal Impact:** None**Principal purpose:** *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 M.R.S.A. Section 2954.*

*The final **July 2024** minimum Class I price is **\$24.36/cwt. plus \$1.63/cwt.** for Producer margins and a **\$1.04/cwt** Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and **\$0.47/cwt.** handling fee for a total of **\$27.70/cwt.**, which includes a processor assessment of **\$0.20/cwt.** Thus, the minimum retail price of a gallon of whole milk is set at **\$4.35.***

Basis Statement: *Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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 **\$18.55/cwt.** and a Class IV price of **\$20.50/cwt.** for **May 2024.***

*The Class II price for **May 2024** is **\$21.50 /cwt.** as announced by the Federal Order One Northeast Market Administrator.*

*The Commission, in setting their minimum prices, recognized the **July 2024** Federal Order Class I price of **\$24.36/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 20, 2024 and therefore should be passed on in minimum prices effective June 30, 2024. 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.*

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-170: Chapter 3, Schedule of Minimum Prices

Statutory Authority:	5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 2954
Type:	Routine Technical
Emergency?:	Yes
Fiscal Impact:	None
Principal purpose:	<p><i>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 M.R.S.A. Section 2954.</i></p> <p><i>The final August 2024 minimum Class I price is \$24.57/cwt. plus \$1.63/cwt. for Producer margins and a \$1.04/cwt Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$27.91/cwt., which includes a processor assessment of \$0.20/cwt. Thus, the minimum retail price of a gallon of whole milk is set at \$4.37.</i></p>
Basis Statement:	<p><i>Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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.</i></p> <p><i>Federal Order One Northeast Market Administrator announced a Class III price of \$19.87/cwt. and a Class IV price of \$21.08/cwt. for June 2024.</i></p> <p><i>The Class II price for June 2024 is \$21.60 /cwt. as announced by the Federal Order One Northeast Market Administrator.</i></p> <p><i>The Commission, in setting their minimum prices, recognized the August 2024 Federal Order Class I price of \$24.57/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 18, 2024 and therefore should be passed on in minimum prices effective July 28, 2024. These prices also include a handling fee of \$0.47/cwt.</i></p> <p><i>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.</i></p>

01-001 Department of Agriculture, Conservation, and Forestry	
2024-182 Chapter 8, Rules for Departmental Grant Awards and Appeals	
Statutory Authority:	7 M.R.S. § 12; 12 M.R.S. § 5012
Type:	Routine Technical
Emergency?:	No
Fiscal Impact:	<i>The expectation is that the Rules will increase efficiency of program delivery. Any potential impact is expected to be negligible.</i>
Principal purpose:	<i>This rule establishes the procedures and criteria to be used in all of the Department of Agriculture, Conservation and Forestry grant program awards, including those funded through emergency relief funds, bequests, gifts, or contributions from any person, corporation, or government, for the purpose of economic opportunity, business growth, and other strategic investment. The rule describes procedures to be used in grant solicitations, award procedures, hearings and appeals, and how appellants will be notified of final agency action.</i>
Basis Statement:	<p><i>The Department of Agriculture, Conservation, and Forestry oversees several important grant programs that benefit a wide array of recipients in the agriculture and forestry industries. It also may implement new grant programs with legislative support. These rules provide necessary guidelines for administering these programs by setting baseline expectations for the content of grant solicitations, notice provisions, application reviews, and grant awards. They also set forth the process for appealing grant decisions.</i></p> <p><i>The Department believes that clear rules that apply uniformly across its divisions will improve the consistency of its grant program delivery and help applicants understand the processes for grant solicitation, review, and awards, as well as the requirements for filing and pursuing appeals.</i></p> <p><i>The Secretary of State published a notice on May 15, 2024. The public comment period ended on June 14, 2024, with no comments received.</i></p>

Statutory Authority:	5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 2954
Type:	Routine Technical
Emergency?:	Yes
Fiscal Impact:	None
Principal purpose:	<i>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 M.R.S.A. Section 2954.</i>
Basis Statement:	<p><i>Pursuant to 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 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.</i></p> <p><i>Federal Order One Northeast Market Administrator announced a Class III price of \$19.79/cwt. and a Class IV price of \$21.31/cwt. for July 2024.</i></p> <p><i>The Class II price for July 2024 is \$21.82 /cwt. as announced by the Federal Order One Northeast Market Administrator.</i></p> <p><i>The Commission, in setting their minimum prices, recognized the September 2024 Federal Order Class I price of \$24.85/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 22, 2024 and therefore should be passed on in minimum prices effective September 1, 2024. These prices also include a handling fee of \$0.47/cwt.</i></p> <p><i>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.</i></p>

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-220 Chapter 3, Schedule of Minimum Prices

Statutory Authority: 5 M.R.S. § 8054, 7 M.R.S. § 2954

Type: Routine Technical

Emergency?: Yes

Fiscal Impact: None

Principal purpose: *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 M.R.S.A. Section 2954.*

*The final **October 2024** minimum Class I price is **\$26.42/cwt. plus \$1.63/cwt.** for the Producer Margin, a \$1.04/cwt Milk Commission premium reflecting the premiums being offered and prevailing in Southern New England, and a \$0.47/cwt. handling fee, for a total of **\$29.76/cwt.**, which includes a processor assessment of **\$0.20/cwt.** Thus, the minimum retail price of a gallon of whole milk is set at **\$4.53.***

Basis Statement: *Pursuant to 5 M.R.S.A., Section 8054, and 7 M.R.S.A., Section 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 **\$20.66/cwt.** and a Class IV price of **\$21.58/cwt.** for **August 2024.***

*The Class II price for **August 2024** is **\$22.05 /cwt.** as announced by the Federal Order One Northeast Market Administrator.*

*In setting their minimum prices, the Commission recognized the **October 2024** Federal Order Class I price of **\$26.42/cwt. plus \$1.63/cwt. for cost of production and an over-order premium of \$1.04/cwt. as prevailing in southern New England based on the evidence presented at the Commission hearing on September 19, 2024, and therefore should be passed on in minimum prices effective September 29, 2024. 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 price change at any level from last month reflects today's action by the Commission for Class I, Class II, Class III, and Class IV and Butterfat prices.*

Statutory Authority:	22 M.R.S. § 1471-D
Type:	Routine Technical
Emergency?:	No
Fiscal Impact:	<i>BPC does not anticipate any significant fiscal impact of the proposed rule amendments.</i>

Principal purpose:	<p><i>The proposed rule amendments were sought to address changes to Maine’s pesticide certification and training program plan. This plan was accepted by EPA on August 18, 2023, under the condition that certain sections of rule would be amended to align with federal standards. In order for EPA to accept Maine’s plan, Maine must incorporate several changes to reference sections of federal rule, align descriptions with federal rule, and breakout sections of subcategories to clarify competency standards.</i></p> <p><i>Chapter 31: Seven amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Incorporation by reference of 40 CFR 171.201, which adds federal standards for direct supervision of non-certified applicators supervised by commercial applicators.</i> <i>2. Addition of the word “soil” to option III of the 1B “Agricultural Plant” category, this clarifies that this category is for soil fumigation and aligns it with the federal category “Agricultural Crop Pest Control.”</i> <i>3. Addition of “maintenance of public roads” to the description for category 6A and B “Vegetation Management.”</i> <i>4. Incorporation by reference of 40 CFR 171.103(d)(13) and 40 CFR 171.103(c)(1)-(10) (2023), which adds federal competency standards for option III of 1B “Agricultural Plant” category related to soil fumigation.</i> <i>5. Incorporation by reference of 40 CFR 171.103(d)(14) and 40 CFR 171.103(c)(1)-(10) (2023), which adds federal competency standards for the 7B category, “Industrial, Institutional, Structural and Health Related Pest – Fumigation,” related to non-soil fumigation.</i> <i>6. Incorporation by reference of 40 CFR 171.103(d)(15) and 40 CFR 171.103(c)(1)-(10) (2023), which adds federal competency standards for the 11 category, “Aerial Pest Control” related to aerial application of pesticides.</i> <i>7. Additional breakouts of competency standard subcategories for 1B “Agricultural Plant” and 6A “Vegetation Management” to clarify the competency standards for each subcategory.</i>
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Basis Statement:	<p><i>Chapter 31 – Seven amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Incorporation by reference of 40 CFR 171.201, which adds federal standards for direct supervision of non-certified applicators supervised by commercial applicators.</i> <i>2. Addition of the word “soil” to option III of the 1B “Agricultural Plant” category, this clarifies that this category is for soil fumigation and aligns it with the federal category “Agricultural Crop Pest Control”.</i> <i>3. Addition of “maintenance of public roads” to the description for category 6A</i>
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and B “Vegetation Management”.

4. Incorporation by reference of 40 CFR 171.103(d)(13) and 40 CFR 171.103(c)(1)-(10) (2023), which adds federal competency standards for option III of 1B “Agricultural Plant” category related to soil fumigation.
5. Incorporation by reference of 40 CFR 171.103(d)(14) and 40 CFR 171.103(c)(1)-(10) (2023), which adds federal competency standards for the 7B category, “Industrial, Institutional, Structural and Health Related Pest – Fumigation” category related to non-soil fumigation.
6. Incorporation by reference of 40 CFR 171.103(d)(15) and 40 CFR 171.103(c)(1)-(10) (2023), which adds federal competency standards for the 11 category, “Aerial Pest Control” related to aerial application of pesticides.
7. Additional breakouts of competency standard subcategories for 1B “Agricultural Plant” and 6A and B “Vegetation Management” to clarify the competency standards for each subcategory.

The amendments to the proposed rules are in response to the provisional adoption of Maine’s Pesticide Certification and Training Program (C&T) by the Environmental Protection Agency. These changes were identified to add requirements to categories through federal incorporation by reference, adding key words to descriptions, and adding subcategory competency standards. Maine’s C&T Plan was accepted on August 18, 2023, and Maine identified a timeline for implementation of changes to Chapter 31 as the end of 2024.

Statutory Authority:	22 M.R.S. §1471-D
Type:	Routine Technical
Emergency?:	No
Fiscal Impact:	<i>BPC does not anticipate any significant fiscal impact of the proposed rule amendments. While the true cost of the rule is unknown, the fiscal impact is thought to be less than \$1,000,000.</i>
Principal purpose:	<p><i>The proposed rule amendments were sought to address changes to Maine’s pesticide certification and training program plan. This plan was accepted by EPA on August 18, 2023 under the condition that certain sections of rule would be amended to align with federal standards. In order for EPA to accept Maine’s plan, Maine must incorporate several changes to reference sections of federal rule, align descriptions with federal rule, and breakout sections of subcategories to clarify competency standards.</i></p> <p><i>Chapter 32: Five amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Incorporation by reference of 40 CFR 171.201 and 40 CFR 171.105(a) (1)-(11), which adds federal standards for direct supervision of non-certified applicators supervised by private applicators.</i> <i>2. Incorporation by reference of 40 CFR 171.105(d) (2023) to (a) Soil Fumigation, which adds federal standards for private applicators under the soil fumigation category.</i> <i>3. Incorporation by reference of 40 CFR 171.105(e) (2023) to (b) Non-Soil Fumigation, which adds federal standards for private applicators under the non-soil fumigation category.</i> <i>4. Incorporation by reference of 40 CFR 171.105(f) (2023) to (c) Aerial, which adds federal standards for private applicators under the aerial category.</i> <i>5. Updating the date for federal standards referenced from (2017) to (2023) under Chapter 32 (5)(a)-(c).</i>
Basis Statement:	<p><i>Chapter 32 – Five amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Incorporation by reference of 40 CFR 171.201 and 40 CFR 171.105(a) (1)-(11) (2023), which adds federal standards for direct supervision of non-certified applicators supervised by private applicators.</i> <i>2. Incorporation by reference of 40 CFR 171.105(d) (2023) to (a) Soil Fumigation, which adds federal standards for private applicators under the soil fumigation category.</i> <i>3. Incorporation by reference of 40 CFR 171.105(e) (2023) to (b) Non-Soil Fumigation, which adds federal standards for private applicators under the non-soil fumigation category.</i> <i>4. Incorporation by reference of 40 CFR 171.105(f) (2023) to (c) Aerial, which adds federal standards for private applicators under the aerial category.</i> <i>5. Updating the date for federal standards referenced from 2017 to 2023 under Chapter 32 (5)(a)-(c).</i> <p><i>The amendments to the proposed rules are in response to the provisional adoption</i></p>

of Maine's Pesticide Certification and Training Program (C&T) by the Environmental Protection Agency. These changes were identified to add requirements to categories through federal incorporation by reference for non-certified applicators supervised by private applicators, soil fumigation category holders, non-soil fumigation category holders, and aerial category holders. Maine's C&T Plan was accepted on August 18, 2023, and Maine identified a timeline for implementation of changes to Chapter 32 as the end of 2024.

2024-239: Chapter 50, Record Keeping and Reporting Requirement

Statutory Authority:	22 M.R.S. §§ 1471-G, 1471-M(1)(E); Resolves 2023, ch. 71.
Type:	Routine Technical
Emergency?:	No
Fiscal Impact:	<i>This bill may require applicators and companies to implement electronic recordkeeping or review of records that will allow them to submit their annual use or sales reports electronically. This may have additional operational costs for some companies that do not currently use electronic systems to report annually.</i>
Principal purpose:	<p><i>The proposed rule amendments were sought to address the directives in the 131st Legislature, Resolves 2023, ch. 71: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data. This resolve directs the Board of Pesticides Control to implement rules to require commercial applicators and dealers to submit annual summary use reports and annual sales reports to the Board electronically. The proposed amendments were written to incorporate these changes:</i></p> <p><i>Chapter 50 – three amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Require electronic reporting for commercial applicators’ annual use reports and dealers’ annual sales reports. This requires these parties to electronically report to a Board-approved software solution.</i> <i>2. Outlines a transition period in 2024 and 2025 with reports required to be submitted electronically by 2026 (reporting year 2025) or seek an exemption waiver.</i> <i>3. Describes a waiver process for those who do not have access to an electronic device capable of submitting electronic reports.</i>
Basis Statement:	<p><i>Chapter 50 – Three amendments are proposed:</i></p> <ol style="list-style-type: none"> <i>1. Require electronic reporting for commercial applicators’ annual use reports and dealers’ annual sales reports. This requires these parties to electronically report to a Board-approved software solution.</i> <i>2. Outlines a transition period in 2024 and 2025 with reports required to be submitted electronically by 2026 (reporting year 2025) or seek an exemption waiver.</i> <i>3. Describes a waiver process for those who do not have access to an electronic device capable of submitting electronic reports.</i> <p><i>The 131st Legislature passed LD 1770: Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data, which directed the BPC to transition annual sales and annual use reports to an electronic format. In order to comply with this resolution, the BPC has upgraded its MEPERLS system, which can accept these reports electronically. The proposed rule would impact commercial applicators and pesticide dealers that are already required to submit these reports to the Board annually. The content of the reports would not change, only the process by which they are submitted.</i></p>

Additionally, for applicators or dealers that are not able to submit these reports electronically, a waiver process is outlined in these proposed rules that would allow for these reports to be physically submitted. A transitional period of electronic reporting is also proposed. Electronic reporting is encouraged and promoted in reporting year 2024 but not required until reporting year 2025 in early 2026.

Two comments were received during the public hearing and comment period. Some comments received asked for the Board to require more information and publish more information related to pesticide sales and use information for the public. BPC responded that it must consider confidentiality and is complying with LD 1770 by requiring reports to be submitted electronically. Another comment asked for clarification for how the Board determines what is confidential and reporting frequency requirements. The BPC responded that report content is not changing and confidential information will not be collected, and that these annual reports will be required annually.

01-683 Land for Maine's Future	
2024-243: Chapter 1, Definitions	
2024-244: Chapter 2, Rules of Program Administration	
Statutory Authority:	5 M.R.S. §§6203-A, 6203-B, 6203-C, 6203-E, 6203-F, and 6205
Type:	Routine Technical
Emergency?:	No
Fiscal Impact:	<i>None anticipated.</i>
Principal purpose:	<i>The proposed rules are in response to directives in Title 5 M.R.S. Chapter 353 §§6203-A, 6203-B, 6203-C, 6203-E, and 6203-F that grants are or must be made according to rules adopted by the Board. Chapter 1 of these proposed rules defines common LMF Program terminology, Chapter 2 clarifies and standardizes certain procedures in connection with the issuance of Requests for Proposals; the processing of Proposals received in response to those Requests; the award of funds pursuant to 5 M.R.S. §§ 6203-A, 6203-B, 6203-C, 6203-E, and 6203-F and attendant obligations of recipients; and the delegation of certain authority by the Board to LMF staff.</i>
Basis Statement:	<p><i>The two new rules to be codified at 01-683 C.M.R. Chapters 1-2 are in response to directives in Title 5 M.R.S. Chapter 353 §§6203-A, 6203-B, 6203-C, 6203-E, and 6203-F that grants are or must be made according to rules adopted by the Board. Chapter 1 of these proposed rules defines common LMF Program terminology, Chapter 2 clarifies and standardizes specific procedures in connection with the issuance of Requests for Proposals; the processing of Proposals received in response to those Requests; the award of funds pursuant to 5 M.R.S. §§ 6203-A, 6203-B, 6203-C, 6203-E, and 6203-F and attendant obligations of recipients; and the delegation of certain authority by the Board to LMF staff.</i></p> <p><i>Elements of the adopted rules vary from the proposed rules because of comments received during the public comment period. Specifically:</i></p> <p>01-683 C.M.R. Chapter 1, Definitions</p> <ul style="list-style-type: none"> • 1. Applicant. <i>Struck “that expects to hold title to the land or hold the conservation easement upon receipt of LMF funding” and added “for funding under any LMF Program” in response to a comment from Kaitlyn Nuzzo of The Nature Conservancy and Jeff Romano of Maine Coast Heritage Trust that the original definition was not sufficiently broad to capture potential applicants under §6203-F, the Conservation Land Management Fund.</i> <p>01-683 C.M.R. Chapter 2, Rules of Program Administration</p> <ul style="list-style-type: none"> • Section 2.03 (A)(4). <i>Inserted “that may be,” struck “is,” and added “would be” in response to staff concerns that the intended effect of the rules for delegating authority to staff was not clear.</i> • Section 2.03(B)(1). <i>Struck “delegates,” added “has the authority to develop policy(ies) for delegating authority,” and inserted “including” in the first clause of paragraph 1 in response to staff concerns that the intended effect</i>

of the rules for delegating authority to staff was not clear.

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-246: Chapter 3, Schedule of Minimum Prices

Statutory Authority:	5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 2954
Type:	Routine Technical
Emergency?:	Yes
Fiscal Impact:	None
Principal purpose:	<p>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 M.R.S.A. Section 2954.</p> <p>The final November 2024 minimum Class I price is \$25.78/cwt. plus \$1.63/cwt. for Producer margins and a \$1.04/cwt Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$29.12/cwt., which includes a processor assessment of \$0.20/cwt. Thus, the minimum retail price of a gallon of whole milk is set at \$4.48.</p>
Basis Statement:	<p>Pursuant to 5 M.R.S.A., Section 8054, and 7 M.R.S.A., Section 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.</p> <p>Federal Order One Northeast Market Administrator announced a Class III price of \$23.34/cwt. and a Class IV price of \$22.29/cwt. for September 2024.</p> <p>The Class II price for September 2024 is \$22.40 /cwt. as announced by the Federal Order One Northeast Market Administrator.</p> <p>In setting their minimum prices, the Commission recognized the November 2024 Federal Order Class I price of \$25.78/cwt. plus \$1.63/cwt. for cost of production and an over-order premium of \$1.04/cwt. as prevailing in southern New England based on the evidence presented at the Commission hearing on October 24, 2024, and therefore should be passed on in minimum prices effective October 24, 2024. These prices also include a handling fee of \$0.47/cwt.</p> <p>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 price change at any level from last month reflects today's action by the Commission for Class I, Class II, Class III, and Class IV and Butterfat prices.</p>

01-001 Department of Agriculture, Conservation, and Forestry	
2024-252: Chapter 35, Rules for Operation of the Maine Healthy Soils Fund	
Statutory Authority:	12 M.R.S.A. §§ 351-353; 7 M.R.S.A. § 12
Type:	Routine Technical
Emergency?:	No
Fiscal Impact:	<i>The rule is not anticipated to impact the finances of Maine State Government. The Maine Healthy Soils Fund was appropriated \$2,000,000 in the FY24-25 Biennial Budget by the Maine State Legislature. These funds will directly support farms via grants and incentives as well as build technical assistance capacity in the state.</i>
Principal purpose:	<i>This rule chapter defines the procedures and criteria for spending funds available from the Maine Healthy Soils Fund to improve soil health on Maine farms. These include incentives for practice adoption, reduction of on-farm barriers to improved soil health, and improvement of the soil health technical assistance capacity of Maine’s agriculture service provider networks.</i>
Basis Statement:	<p><i>The new rule to be codified at 01 – 001 C.M.R. c. 35 provides guidelines for administering grant and incentive programs for the Maine Healthy Soils Program within the Department of Agriculture, Conservation, and Forestry. They establish four (4) new grant programs, and three (3) new payment-for-practice programs to improve farmers’ access to soil-health technical and financial assistance. These rules establish eligibility requirements, criteria for selection, application requirements, and reporting requirements for each program per the objectives established by the creation of the Maine Healthy Soils Program. Additionally, the rules outline administrative responsibilities for the Department to ensure efficient administration of the new programs. These rules operate as a guide for the use of funds appropriated to the Maine Healthy Soils Fund. They clarify processes required to deliver soil health support to farmers, increasing procedural efficiency and consistency.</i></p> <p><i>The Secretary of State published a notice on July 31, 2024. There was a public hearing on August 19, 2024, from 2 – 4 PM in Deering Building Rm. 101 at 90 Blossom Lane, Augusta, ME 04333. Public comment closed on August 29, 2024. Five people attended the public hearing and provided comment on behalf of their respective organizations. Four of the five hearing attendees also provided written comment. We received seven additional written comments for a total of twelve comments. The comments were broadly supportive of the rule, and any requests for revisions were largely to increase rule clarity and to better align program rules with the state objectives.</i></p> <p><i>Some minor elements of the adopted rule vary from the proposed rule based on the comments received during the comment period, with a focus on definition specificity and eligibility requirements. Specifically,</i></p> <ul style="list-style-type: none"> <i>• Section 1.1 – Added fiber and horticultural/ornamental crops to the definition in response to comments from Nanne Kennedy and Gary Fish recommending these be specifically listed.</i> <i>• Section 1.2 – Added crop advisors to the definition in response to comments</i>

from Ellen Mallory recommending that for-profit service provider organizations be included.

- *Section 1.5 – Removed the word “contiguous” from the definition in response to comments from Heather Spalding, Shelley Megquier, Alexandra Gulachenski, and Chelsea Gazillo recommending that eligibility for some programs better address the statutory requirement to support new and underserved farmers through this program. This change was made in recognition that many new and underserved farmers may be farming on multiple non-contiguous parcels, which should not preclude them from eligibility.*
- *Section 1.6 – Clarified the definition of farm operation in response to comments from Chelsea Gazillo recommending expanding on eligibility specifics.*
- *Section 1.12 – Added agricultural lime to the definition of soil amendments in response to comments from Julie Ann Smith. This amendment fits the definition of a soil amendment for this chapter, but is not a plant or animal residue, so it is important to clarify.*
- *Section 1.13 – Clarified that soil health management plans should include plans to monitor the soil to demonstrate how practices are affecting the land in response to comments from Ellen Mallory.*
- *Section 2.1 – Added ‘farmer-to-farmer learning’ to objective C to maintain consistency with statutory language, as recommended by Chelsea Gazillo.*
- *Section 3.1 – Clarified language to ensure all fund recipients must be located in Maine. The proposed language left room for interpretation, as noted by Chelsea Gazillo.*
- *Section 3.2 – Increased the maximum award from \$25k to \$100k, as recommended by Chelsea Gazillo. Within this grant, eligible expenses such as equipment retrofits and purchases may cost much more than \$25k. We further amended the limitations for this grant, allowing the Commissioner to increase or decrease the grant maximum based on available funding. Eligibility was further clarified for this program for the same reason listed for Section 1.5.*
- *Section 3.4 – Clarified the role of farm operations in this grant program as requested by Chelsea Gazillo.*
- *Section 4.1 – Clarified that funding must go to farms located in Maine, as suggested by Chelsea Gazillo, who noted that this is clear for Section 3 programs but not Section 4 programs.*

- *Section 4.4 – Added the opportunity for farms to request funding for additional acres beyond 50 acres up to 180 acres based on a recommendation from Chelsea Gazillo that the acreage cap be eliminated entirely. Creating a flexible acreage cap based on available funding allows us to fully cover 77% of farms compared to 45% with a 50-acre cap. The changes state that any funding for a request over 50 acres is subject to available funding to protect long-term funding goals – meaning a farm operation will be funded fully for 50 acres, but any acres above that will only be paid out if there are available funds.*

2024-267: Chapter 3, Schedule of Minimum Prices

Statutory Authority: 5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 2954

Type: Routine Technical

Emergency?: Yes

Fiscal Impact: None

Principal purpose: *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 M.R.S.A. Section 2954.*

*The final **December 2024** minimum Class I price is **\$24.68/cwt. plus \$1.63/cwt.** for Producer margins and a **\$1.04/cwt** Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and **\$0.47/cwt.** handling fee for a total of **\$28.02/cwt.**, which includes a processor assessment of **\$0.20/cwt.** Thus, the minimum retail price of a gallon of whole milk is set at **\$4.37.***

Basis Statement:

Pursuant to 5 M.R.S.A., Section 8054, and 7 M.R.S.A., Section 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 **\$22.85/cwt.** and a Class IV price of **\$20.90/cwt.** for **October 2024.***

*The Class II price for **October 2024** is **\$21.01 /cwt.** as announced by the Federal Order One Northeast Market Administrator.*

*In setting their minimum prices, the Commission recognized the **December 2024** Federal Order Class I price of **\$24.68/cwt. plus \$1.63/cwt. for cost of production and an over-order premium of \$1.04/cwt. as prevailing in southern New England based on the evidence presented at the Commission hearing on November 21, 2024, and therefore should be passed on in minimum prices effective December 1, 2024. 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 price change at any level from last month reflects today's action by the Commission for Class I, Class II, Class III, and Class IV and Butterfat prices.*

01-015 Department of Agriculture, Conservation, and Forestry, Maine Milk Commission

2024-278: Chapter 3, Schedule of Minimum Prices

Statutory Authority:	5 M.R.S.A., Section 8054 and 7 M.R.S.A., Section 2954
Type:	Routine Technical
Emergency?:	Yes
Fiscal Impact:	None
Principal purpose:	<p><i>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 M.R.S.A. Section 2954.</i></p> <p><i>The final January 2025 minimum Class I price is \$23.63/cwt. plus \$1.63/cwt. for Producer margins and a \$1.04/cwt Milk Commission premium that reflects premiums being offered and prevailing in Southern New England and \$0.47/cwt. handling fee for a total of \$26.97/cwt., which includes a processor assessment of \$0.20/cwt. Thus, the minimum retail price of a gallon of whole milk is set at \$4.27.</i></p>
Basis Statement:	<p><i>Pursuant to 5 M.R.S.A., Section 8054, and 7 M.R.S.A., Section 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.</i></p> <p><i>Federal Order One Northeast Market Administrator announced a Class III price of \$19.95/cwt. and a Class IV price of \$21.12/cwt. for November 2024.</i></p> <p><i>The Class II price for November 2024 is \$21.52 /cwt. as announced by the Federal Order One Northeast Market Administrator.</i></p> <p><i>In setting their minimum prices, the Commission recognized the January 2025 Federal Order Class I price of \$23.63/cwt. plus \$1.63/cwt. for cost of production and an over-order premium of \$1.04/cwt. as prevailing in southern New England based on the evidence presented at the Commission hearing on December 19, 2024, and therefore should be passed on in minimum prices effective December 29, 2024. These prices also include a handling fee of \$0.47/cwt.</i></p> <p><i>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 price change at any level from last month reflects today's action by the Commission for Class I, Class II, Class III, and Class IV and Butterfat prices.</i></p>