



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1262

H.P. 837

House of Representatives, March 25, 2025

**An Act to Improve Government Transparency and Accountability
by Establishing a Process to Allow a Person to Require the State to
Enforce Certain Laws and Rules**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FRIEDMANN of Bar Harbor.
Cosponsored by Representatives: MACIAS of Topsham, OSHER of Orono, PUGH of
Portland, RAY of Lincolnville, SAYRE of Kennebunk.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §8055, sub-§3**, as amended by PL 1985, c. 506, Pt. A, §4, is further
3 amended to read:

4 **3. Receipt of petition; judicial review.** Within 60 days after receipt of a petition, the
5 agency shall either notify the petitioner in writing of its denial, stating the reasons ~~therefor~~
6 for the denial, or initiate appropriate rule-making proceedings. Whenever a petition to
7 adopt or modify a rule is submitted by 150 or more registered voters of the State, the agency
8 shall initiate appropriate ~~rulemaking~~ rule-making proceedings within 60 days after receipt
9 of the petition. The petition must be verified and certified in the same manner provided in
10 Title 21-A, section 354, subsection 7, prior to its presentation to the agency. If, within 60
11 days after receipt of a petition, the agency fails to notify the petitioner in writing of its
12 denial or to initiate appropriate rule-making proceedings, or if the agency has initiated rule-
13 making proceedings the petitioner believes to be inconsistent with the submitted petition,
14 the person that submitted the petition may seek appropriate judicial review of the agency's
15 actions consistent with section 8058 or, as applicable, subchapter 7.

16 **Sec. 2. 5 MRSA §9051, sub-§1**, as amended by PL 2005, c. 61, §1, is further
17 amended to read:

18 **1. Adjudicatory proceeding.** In any adjudicatory proceedings, ~~except including those~~
19 proceedings initiated pursuant to section 9051-B, but excluding those proceedings
20 involving correctional facilities, the Workers' Compensation Board, the Maine Motor
21 Vehicle Franchise Board or the State Parole Board, the procedures of this subchapter apply.

22 **Sec. 3. 5 MRSA §9051-B** is enacted to read:

23 **§9051-B. Proceeding to enforce certain existing laws or rules**

24 Notwithstanding any provision of law to the contrary and in accordance with the
25 provisions of this section and this subchapter, a person may petition an agency or the
26 Attorney General, as applicable, to enforce an existing law or rule relating to regulation of
27 the environment, natural resources, public health or safety or freedom of information and
28 government transparency.

29 **1. Form; content.** Each agency and the Attorney General shall designate the form for
30 petitions under this section and the procedure for their submission, consideration and
31 disposition. A petition submitted by a person under this section must, at a minimum,
32 provide sufficient information for the agency or the Attorney General to identify the
33 existing law or rule the person is seeking enforcement of and the purposes for which the
34 person is seeking that enforcement.

35 **2. Receipt of petition; judicial review.** Within 60 days after receipt of a petition, the
36 agency or the Attorney General shall either notify the petitioner in writing of its denial,
37 stating the reasons for the denial, or initiate an appropriate proceeding to enforce an existing
38 law or rule as specified in the petition. If, within 60 days after receipt of a petition, the
39 agency or the Attorney General fails to notify the petitioner in writing of its denial or to
40 initiate appropriate proceedings, or if the agency or the Attorney General has initiated a
41 proceeding the petitioner believes to be inconsistent with the submitted petition, the person
42 that submitted the petition may seek appropriate judicial review of the agency's or Attorney
43 General's actions consistent with subchapter 7, as applicable.

1 1. Actions by persons seeking to petition or that have petitioned an agency for adoption
2 or modification of rules;

3 2. Actions by persons seeking to petition or that have petitioned an agency or the
4 Attorney General to initiate a proceeding to enforce an existing law or rule; and

5 3. Actions by persons seeking to intervene or otherwise participate in an agency
6 rulemaking conducted, in an adjudicatory proceeding or in a licensing action.

7 In distributing funds to such persons, the fund administrator must give priority to
8 persons that are not commercial entities or entities that are otherwise subject to regulation
9 under law or rule; whose interest or position, as determined by the fund administrator, is
10 not otherwise adequately represented in the rulemaking, proceeding or licensing action;
11 and whose interest or position, as determined by the fund administrator, is primarily
12 focused on protecting or conserving the State's natural resources or environment, protecting
13 the public health or safety or ensuring freedom of access to public information and
14 government transparency.

15 The bill also directs the Office of the Attorney General to consult with each state
16 agency that issues licenses, permits or other approvals to persons to engage in regulated
17 activities relating to the environment, natural resources, public health and safety and
18 freedom of information and government transparency to identify a mechanism for imposing
19 an additional fee amount for the issuance of those licenses, permits or approvals to support
20 activities under the Fund for Administrative Oversight, in a manner designed to satisfy the
21 anticipated annual demand for distributions from that fund for the agency. The fee amounts
22 identified must be reasonable, must not unreasonably impede the activities of the regulated
23 entity and must be designed to reflect the anticipated cost to the agency of oversight of the
24 regulated entity and addressing any potential violations by the regulated entity, including
25 any costs of corrective action or remediation undertaken by the agency. By January 1, 2026,
26 the office must submit a report to the Joint Standing Committee on State and Local
27 Government outlining its recommendations for imposing such additional fee amounts,
28 including necessary proposed legislation, and the committee may report out related
29 legislation. The recommendations and proposed legislation must be designed to provide for
30 assessment and collection of the additional fee amounts beginning July 1, 2026 and must
31 provide that of those fee amounts collected, 1/2 must be retained by the state agency
32 assessing the fee to support its oversight and enforcement activities and 1/2 must be
33 transferred to the Fund for Administrative Oversight to support activities under that fund.