

Winslow, South China, and Maine  
... and  
95 Mineral Springs Rd.  
Highland Mills, NY 10930

March 28, 2024

Senator Cameron Reny  
Representative Allison Hepler  
Committee on Marine Resources  
c/o Legislative Information Office  
100 State House Station  
Augusta, Maine 04333

**Re: LD 2275 “An Act to Ensure That Rules Regarding the Atlantic States Marine Fisheries Commission Are Major Substantive Rules” – OTP**

Dear Senator Reno, Representative Helper, and Committee Members:

I am Greg Cushman Robie. Please Consider that the Executive Orders relating to rulemaking of both the present Officeholder (the last of this series being EO 4-A that is dated March 23, 2023, but filed as an amendment to an earlier one from fiscal year 2019-20) and the previous Governor violate our Constitution, Article III., **Distribution of Powers**. Rulemaking is a delegated Legislative Branch power, and this to agencies alone. ([http://lldc.mainelegislature.org/Open/Exec/ExecutiveOrders/74\\_Mills/2022-23/eo\\_2019-20no04-A.pdf](http://lldc.mainelegislature.org/Open/Exec/ExecutiveOrders/74_Mills/2022-23/eo_2019-20no04-A.pdf) ... and on the Governor’s “Official Documents” webpage, the 4th from the last of what is listed here: [https://www.maine.gov/governor/mills/official\\_documents](https://www.maine.gov/governor/mills/official_documents).)

The business of the Legislature is the business of the People. This is the delegated and Constitutionally protected #PurposedSpeech of the People. As protected speech it has the highest standing it law when it exercised for the Purpose of our better Ordering and Preservation and Furtherance of our Common Good. And this referencing our common law foundational document, the Plymouth Combination/Mayflower Compact. It applies solely to the People so Covenanted and Combined.

Without the unconstitutionality of our Office of Governor’s Office overreach of executive power regarding routine technical rulemaking redressed, LD 2275 is a necessary law. Under our MAPA routine technical and major substantive are simply classifications of rulemaking that relate to public hearing matters. **Period**. Consider:

MRS Title 5, §8052. Rulemaking 1. Notice; public hearing. Prior to the adoption of any rule, the agency shall give notice as provided in section 8053 and may hold a public hearing, except that *a public hearing must be held if* otherwise required by statute or *requested by any 5 interested persons* or if the rule is a major substantive rule as defined in section 8071, subsection 2, paragraph B. A public meeting or other public forum held by an agency for any purpose that includes receiving public comments on a proposed

agency rule is a public hearing and is subject to all the provisions of this subchapter regarding public hearings. [PL 2007, c. 581, §2 (AMD).]


Please note an agency may hold a public hearing if rulemaking is declared by the Legislature as routine technical. Nowhere in our MAPA is an agency's duty to report back to the Legislature concerning this delegated #PurposedSpeech of the People so authorized. Again, **Period**.

Related to this is the Department's rulemaking pages. They are in disarray and confusing. What follows was transmitted yesterday as I did research concerning LD 2275 and this testimony. The included PDFs are of the referenced pages as they were last evening.

Thank you considering my proffered testimony, I am happy to answer and question at any time, including, if invited, when LD 2275 is workshopped.

=)  
Greg


### Notice of disarray message:

**From:** Greg Robie robie@hvc.rr.com   
**Subject:** Proposed Rulemaking webpage seems quite dated  
**Date:** March 27, 2024 at 7:05 PM  
**To:** dmr.rulemaking@maine.gov



Hello Rulemaking Liaison,

I got quite confused by the current content of the Department's "[Proposed Rulemaking](#)" webpage:

Proposed Rulemaking \_  
Department of Marine Resourc...   
319 KB

There seems to be significant overlap between the above and the "[Newly Adopted Regulations](#)" webpage:

Newly Adopted Regulations \_  
Department of Marine Resourc... 

Given that "regulations" have been replaced with rules and rulemaking since 1977 with these rules derived from our rulemaking law Chapters 2 and 2-A of our MAPA, please explain why a term and practice that has been replaced through law is yet used by the Department as a title on a webpage, and/or otherwise.

Thank you.

=)  
Greg