

February 23, 2025

Testimony of John M. Fitzgerald
Of Sedgwick
On behalf of himself and
Antonio Blasi, Christine Real de Azua, Sandy Scholar, J.D., Albert Manville, Ph.D.,
Becky Bartovics and Jonathan Fulford
In Opposition to LD490

The Honorable Senator Joe Baldacci
The Honorable Representative Suzanne Salisbury
Co-chairs
Committee on State and Local Government

Dear Committee Cochairs and Committee Members,

My cosigners, citizens who are active in state and local government, and I urge you to oppose LD490, and to work together to find better ways to meet the challenges of this time for Maine and our nation.

I am a Member of the District of Columbia Bar and the U.S. Supreme Court Bar, with long experience with the legislative and administrative process in Washington, D.C. and at the state level for several years as an active citizen in Indiana and Maryland and since I returned to Maine five years ago. I served as a Legislative Aid to a Member of Congress, as Counsel to a House Subcommittee, a member of the what was then the Policy Bureau of the U.S. Agency for International Development and as counsel, legal advisor and board member of conservation and scientific groups. I am testifying from the perspective of one with significant policy experience in support of the testimony from the Environmental Priorities Coalition to urge the committee to oppose LD 490.

My colleagues who cosign this testimony collectively have far more experience with Maine's state government and agencies. My mother's father's family, the Merrills, are believed to have arrived in Maine in 1634, but whether we are old Mainers or new, we have more faith in our state and its laws than the sponsors of LD490. They would undo the work of generations every five years and start over with new rules across the board to confuse commerce and business investment planning, expose the public to risks, and overwhelm the legislature with unnecessary distractions.

LD490 would abolish regulations after five years unless an agency asks for a one-time five-year extension. It is an absurd misunderstanding of how regulations are adopted

and how much time it takes to get them right. We urge the Committee to recommend that LD490 should **not** pass.

Instead of an automatic repeal, the agency could submit a report every five years on the effectiveness of each regulation beginning in September of the year preceding the beginning of the next legislature so as to aid committees and citizens in their oversight of agencies and in understanding what changes may be warranted.

A more effective ongoing approach to making sure agencies obey the statutes enacted would also be to help citizens to work more closely with agencies in developing rules and seeing to it that they meet the standards of the specific law and the Administrative Procedures Act. Such a bill could draw on successful federal laws to do that for Maine. A Government or Citizens' Oversight and Accountability bill such as Rep. Gary Friedmann has provided to the Revisor's office would be a giant step forward.

Given the Trump Administration's ongoing elimination of rules, staff and promised funding for state and local agencies and their community service partners, a good substantive minimum or automatic plan for Maine would be to enact a law adopting all federal regulations pertaining to environmental and public health standards applicable to Maine that were in effect as of December 31, 2024. In order to be able to better afford this process, Maine could also adopt as state law a form of the federal Independent Agencies' Appropriations Act (31 U.S.C. §9701) clarified to ensure that it covers licensing and inspection costs and allows agencies to charge permittees fees sufficient to cover the costs of enforcing the regulations as well as providing inspections and other related services. The reason for this is that keeping those whose actions may result in pollution or the depletion of natural resources within the bounds of the law is a service to the public and also a service to any company that has any potentially illegal activity prevented or corrected so it can continue to provide its products and services to the public with the confidence that inspires trust, both in government and in Maine's business community.

Thank you.

John M. Fitzgerald
Sedgwick, Maine

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