



Maine Education Association

Jesse Hargrove President | Beth French Vice President | Jaye Rich Treasurer
Rebecca Cole NEA Director | Rachelle Bristol Executive Director

**Testimony
In Opposition to
LD 490, An Act to Provide for a 5-year Automatic Repeal of Agency Rules
February 24, 2025**

Senator Baldacci, Representative Salisbury, and other members of the State and Local Government Committee,

My name is Jan Kosinski, and I am the Director of Government Relations for the Maine Education Association (MEA). The MEA represents nearly 24,000 educators, including teachers and other educators in nearly every public school in the state, as well as full-time faculty and other professional and support staff in both the University of Maine and Community College systems. Thousands of retired educators continue their connection and advocacy work through the MEA- Retired program.

I offer this testimony today on behalf of the MEA in OPPOSITION to LD 490, *An Act to Provide for a 5-year Automatic Repeal of Agency Rules*.

Department rules are a key protection for students, public schools, and educators in our state. We cannot rely on statute to govern every aspect of public education. Instead, we have a process, which allows for public input and involves legislative review and oversight to further refine the contours and specifics of laws. The rulemaking process allows the Department of Education, the State Board of Education, and other state agencies to regularly propose tweaks or changes to reflect conditions in our schools and in our communities.

If any legislator disagrees with a rule or a section of a rule, they can easily submit a resolve by the cloture deadline and propose changes or modifications or even a repeal of an entire rule. If a legislator can convince enough of his/her colleagues, you can demand the rule is changed. Allowing for the wholesale repeal of rules as called for in this legislation is akin to “throwing the baby out with the bathwater.”

For example, due to the growing teacher shortages in our state, the rules regarding certification have been consistently refined and adjusted over the past many years. In fact, nearly every session there are multiple bills to address the teacher and educator certification rules (Chapter 115). Some of the proposed changes have come from legislators. Other proposals have come as proposed rule changes from the State Board of Education. All the specifics regarding the requirements for teacher certification can be found in rules, along with the certification requirements for superintendents, principals, athletic directors, CTE instructors, ed techs and many other roles in our schools. Do we really think there is value to allowing the rules that govern the requirements for working in schools to be subject to an automatic repeal in the future?

35 Community Drive, Augusta, ME 04330 | 1349 Broadway, Bangor, ME 04401
7 Hatch Drive, Suite 220, Caribou, ME 04736 | 29 Christopher Toppi Drive, South Portland ME 04106

207-622-5866 | 207-888-2070 fax | www.maineea.org

This is just one example – there are many. In the Department of Education alone, we have rules that govern the following:

- Equal Educational Opportunity (Chapter 4)
- Education of Homeless Students (Chapter 14)
- Rules Governing Physical Restraint and Seclusion (Chapter 33)
- Suicide Awareness and Prevention (Chapter 38)
- Rule for Medication Administration in Maine Public Schools (Chapter 40)
- Multiple chapters of rule regarding student transportation, school buses (including Chapters 81, 83, 86 and 86).
- Maine Unified Special Education Birth to Age Twenty-Two (Chapter 101)

This is a partial list of the many rules that are in place to help schools and educators. In each case, the rule should represent the best practices. If they do not represent best practices, we encourage legislators to submit bills to make sure our rules reflect the best practices. However, the MEA is deeply concerned about what would happen if the rules for student transportation or special education or many other chapters are subject to an automatic repeal. This will leave educators and schools with few guardrails and guidance to rely upon. Instead, schools and educators can write their own rules, and undoubtedly this will result in unnecessary mistakes and errors. Changes to rules and the repeal of rules should be done only with great care and consideration, not in a manner that is slapdash and based on arbitrary deadlines.

This proposal, if passed would have the unintended consequence of adding more laws to our statute book. The law books will become chock full of every little detail to guard against the unexpected repeal of entire chapters of rules. I would guess this is the opposite intent of the sponsor but is far more likely if rules are subject to automatic repeal.

Thank you for your attention and your service to the people of Maine. I will happily answer any questions you may have.