



### **Testimony in Support of LD 1131:**

**“An Act to Reform the Process by Which a Person May Petition an Agency to Adopt or Modify Rules Under the Maine Administrative Procedure Act”**

Senator Baldacci, Representative Salisbury, and the distinguished members of the Committee on State and Local Government, my name is Harris Van Pate and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to offer testimony in support of LD 1131.

### **A Much-Needed Reform**

This bill reforms the Maine Administrative Procedure Act by strengthening the legitimacy of citizen petitions that propose agency rulemaking. Specifically, LD 1131 would increase the number of signatures required to compel an agency to consider rule changes from a static threshold of 150 signatures to a dynamic benchmark of 1% of the total votes cast for Governor in the previous election—approximately 6,768 signatures based on recent turnout.<sup>1</sup>

This adjustment would align Maine’s rulemaking petition process with the seriousness and scope of the regulatory authority it seeks to influence. Unlike local initiatives or symbolic petitions, the ability to compel executive agencies to initiate rulemaking carries real legal and economic consequences. The current 150-signature threshold—while initially intended to empower citizens—has become outdated and is now susceptible to abuse by narrow interests seeking to push complex or controversial regulatory changes without demonstrating broad public support.

By raising the threshold, LD 1131 ensures that only petitions with demonstrable grassroots backing would advance to the rulemaking process. This would help agencies conserve time and taxpayer resources by filtering out unserious or fringe proposals, allowing them to focus instead on rulemaking efforts that have earned significant public interest and legitimacy.

Equally important, the bill also requires that any resulting rules be classified as “major substantive” under Maine law. This ensures that proposed rules undergo additional legislative oversight and are not implemented unilaterally by bureaucrats without proper review. That is a crucial check on the growing power of the administrative state and a win for separation of powers, accountability, and transparent governance.

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<sup>1</sup> <https://www.maine.gov/sos/news/2022/SecretaryBellowsannouncesofficialtabulationof2022GeneralElection.html>



## **Historic Costs of our Current Law**

Maine's current regulatory petition process has led to activist groups like the Sierra Club proposing rules that are widely unpopular in our state.<sup>2</sup> One such proposal was a statewide EV mandate, which was almost considered and passed by the Maine Department of Environmental Protection before widespread legislative and public action changed their minds.<sup>3</sup> Any system that requires direct legislative action to stop state EV mandates from being passed without any direct public control is undeniably broken, and rules like this should require widespread support to initiate the rulemaking process.

The environmental groups creating the above failed proposal have now issued a lawsuit against the state of Maine in response to the DEP's refusal to pass their proposal.<sup>4</sup> Any ongoing costs to the courts, Attorney General, or people of Maine from this lawsuit are solely to blame on our regulatory petition process being far too empowering to small groups of activists.

## **Conclusion**

At Maine Policy Institute, we consistently advocate for reforms that rein in unelected bureaucratic power and return greater authority to the elected representatives of the people. LD 1131 does exactly that. It raises the bar for public input in a thoughtful and responsible way while preserving the right of citizens to initiate regulatory change when justified by broad support.

For these reasons, we urge the committee to vote Ought to Pass on LD 1131. Thank you for your time and your commitment to improving Maine's regulatory process.

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<sup>2</sup> <https://www.centralmaine.com/2024/03/20/maine-board-rejects-mandate-to-boost-electric-vehicle-sales-by-2032/>

<sup>3</sup>

<https://mainepolicy.org/environmental-groups-meritless-lawsuit-seeks-to-force-adoption-of-unpopular-ev-mandates/>

<sup>4</sup>

<https://climatecasechart.com/case/conservation-law-foundation-v-maine-department-of-environmental-protection/#:~:text=Conservation%20Law%20Foundation%2C%20Sierra%20Club,law%2C%20which%20requires%20reducing%20greenhouse>