



## 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 965: An Act to Require the Automatic Repealing of Agency Rules**  
**Jan Kosinski, Government Relations Director, Maine Education Association**

**Before the State and Local Government Committee**

**March 31st, 2025**

Senator Baldacci, Representative Salisbury, and other esteemed 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 965, *An Act to Require the Automatic Repealing of Agency Rules*. This bill is similar to LD 490, *An Act to Provide for a 5-year Automatic Repeal of Agency Rules*. A public hearing was held for that bill on Monday February 24, 2025. Both bills attempt to establish arbitrary deadlines to repeal important agency rules, and both bills created newfangled approaches to renew rules. We hope the Committee will reject both bills and vote ought not to pass.

During the hearing on LD 490, one member of the Committee asked me whether “unelected bureaucrats need to heel to the elected representatives.” [This is a paraphrase.] I remain puzzled by this question because I worry it reflects a misunderstanding of rules, the rulemaking process, and the value of agency rules.

At least when it comes to the rules impacting education, when the Department of Education or the State Board of Education proposes a new rule or a change to an existing rule, there is a public process to listen to residents of the state and hear their views on the proposal. After this public process, the agency will often make amendments or adjustments, and then the rule can either be adopted or sent back out for another round of comments. Even after this public process, if the rules are deemed major, substantive, the rules are forwarded for review to the Committee having jurisdiction over the agency and legislators vote on the rule or to propose changes. In many cases, a final rule is not adopted until elected legislators have had a chance to review and approve the new rule or the change in the rule.

What is more, every two years, the voters of Maine select 151 House members and 35 state senators. Any one of those elected representatives can submit a resolve before the cloture deadline to amend or repeal any rule.

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Based on this, I would argue the current rulemaking process affords members of the public a chance to have their voice heard and to have agencies respond to their concerns. This process also allows elected legislators to propose changes to any rule they want. Elected officials are already in control of these rules, but proposing an arbitrary deadline for the automatic repeal of a rule is not holding bureaucrats to heel—it is a recipe for chaos.

Furthermore, I encourage supporters of this proposal to identify which Department of Education or State Board of Education rules should be repealed. We argue that 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 that allows for public input and involves legislative review and oversight to further refine the contours and specifics of laws.

In the Department of Education alone, Maine has 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 rules regarding student transportation and school buses (including Chapters 81, 83, 86 and 86)
- Rules regarding special education services, referred to as the Maine Unified Special Education Birth to Age Twenty-Two (Chapter 101)
- Certification rules govern the qualifications to work in our schools as teachers, administrators, ed techs, and various other roles.

I encourage supporters of this proposal to identify which rules should be automatically repealed. I believe repealing any of the rules I listed would cause confusion and uncertainty for educators, students, parents, and public schools.

As I said when I testified against LD 490, if passed, this bill will add significantly 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 suspect 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.