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April 7, 2025

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Committee on Judiciary
100 State House Station
Augusta, Maine 04333

*Re: L.D. 1262, An Act to Improve Government Transparency and Accountability by
Establishing a Process to Allow a Person to Require the State to Enforce Certain
Laws and Rules*

Greetings Senator Carney and Representative Kuhn,

I am writing to oppose *LD 1262, An Act to Improve Government Transparency and Accountability by Establishing a Process to Allow a Person to Require the State to Enforce Certain Laws and Rules*. Beyond generating an enormous amount of new work for Maine's executive branch agencies and my office (OAG), L.D. 1262 would drastically alter how Maine's laws and rules are administered and enforced.

The bill would likely produce a flood of citizen petitions to initiate rule-making and to enforce existing laws and rules. This would undoubtedly interrupt the regular workings of executive branch agencies, my office, and disrupt governmental investigations and enforcement efforts.

Under existing law, any person can petition an agency for the adoption or modification of a rule. Under this bill, if the agency does not initiate rule-making procedures, or the petitioner believes that the rule-making procedures are "inconsistent" with the petition, the person may seek judicial review. This will likely result in a significant increase in court proceedings, requiring significant expenditures of resources by both the agencies and my office.

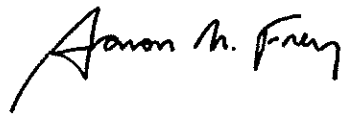
The bill also appears to allow citizens to file court actions to require an agency or the Attorney General to bring enforcement actions. Decisions regarding the enforcement of a statute

or rule are properly entrusted to the discretion of the agency charged with its administration, or the Attorney General as the State's chief legal officer. They are not subject to judicial review at the behest of members of the public. The ability of my office and agencies to exercise reasonable discretion is essential to ensure that enforcement decisions are appropriate under the circumstances, made fairly and consistently across the State, and take into account the expenditure of agency and judicial resources.

L.D. 1262 would have significant fiscal impacts. It will likely result in an increase of rulemaking petitions and then judicial review actions if petitioners are not satisfied with an agency's response. It would require the OAG to establish and administer a new fund to cover the expenses for citizen petitioners, including determining how to raise fees for permits and licenses across virtually every agency and department in the State. The use of public funds to support private appeals and petitions for judicial review could implicate constitutional issues.

For these reasons, I urge the Committee to vote Ought Not to Pass on L.D. 1262. I am happy to answer any questions.

Sincerely,

A handwritten signature in black ink that reads "Aaron M. Frey". The signature is written in a cursive style with a large initial 'A'.

Aaron M. Frey
Attorney General