



Maine County Commissioners Association

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April 10, 2025

Sen. Carney, Chair
Rep. Kuhn, Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Re: ***Testimony of MCCA regarding LD 1408, An Act to Codify Judicial Deference to Agency Interpretation***

Chair Carney, Chair Kuhn, and Members of the Joint Standing Committee on Judiciary:

On behalf of the Maine County Commissioners Association, we appreciate the opportunity to provide testimony to this Committee in ***opposition*** to LD 1408. MCCA does not take a position on the underlying legal doctrine of judicial deference. However, we believe this bill addresses a matter that is squarely within the purview of the judicial branch and not appropriate for legislative codification.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

What does LD 1408 do? LD 1408 would require Maine courts to defer to a state agency's interpretation of ambiguous laws that the agency administers, unless the interpretation is unreasonable. In effect, it would codify into statute a principle of judicial deference that has traditionally been left to the courts to apply on a case-by-case basis.

Discussion. LD 1408 proposes to legislatively mandate judicial deference to state agency interpretations of ambiguous statutes. We believe this is a policy choice that is best left to the courts, not the Legislature. If the Legislature were to weigh in, we would favor an approach that did not defer to government agencies for interpreting ambiguous statutes, but rather left it to the courts to determine the meaning of such statutes. That said, Maine's judiciary has long been capable of determining the appropriate level of deference in individual cases, consistent with constitutional principles and well-established doctrines of judicial review. The Maine Law Court has its own well-established body of law to guide decisions in this area. We should continue to allow our courts to follow their doctrines of interpretation.

Conclusion. For these reasons, MCCA respectfully urges the Committee to reject LD 1408 and allow Maine courts to continue performing their constitutional function without legislative interference in the judicial standard of review of ambiguous statutes. MCCA urges the Committee to vote **Ought Not to**

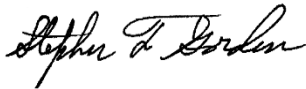
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Pass on LD 1408. If you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Co-Chair, Legislative Policy Committee, MCCA



Jean-Marie Caterina
Co-Chair, Legislative Policy Committee, MCCA

cc: Commissioner Andre Cushing, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel

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