



Testimony in Support of LD 236:

“An Act to Provide Legislative Oversight of the Rule-making Petition Process”

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 provide our perspective on this important legislation.

Introduction

LD 236 seeks to enhance legislative oversight in the rule-making petition process by ensuring that regulatory changes undergo proper scrutiny before agencies commit to substantive changes. Given the significant impact that regulatory petitions can have on Maine’s economy, businesses, and individual liberty, such petitions must meet a higher threshold of public support and legislative review before triggering rule-making proceedings.

The Problem with the Current Rulemaking Petition Process

Under existing Maine law, only 150 registered voters must sign a petition to compel a state agency to commence rule-making proceedings within 60 days. This threshold is remarkably low compared to other forms of citizen-driven policymaking, such as the People’s Veto and Citizen’s Initiative, which require tens of thousands of signatures. The result is a process that allows narrow, ideologically driven interest groups to wield disproportionate influence over state regulations with minimal public buy-in.

One recent example of this issue arose when a small coalition of environmental organizations submitted a petition in 2023 to mandate the sale of electric vehicles in Maine by adopting California’s Advanced Clean Cars II Program. Despite lacking broad public support, this proposal forced the Board of Environmental Protection to devote time and taxpayer-funded resources to an extensive rule-making process.¹ Ultimately, the Board of Environmental Protection rejected the measure in 2024, but the episode underscored the risks of allowing small groups to push significant policy changes

¹

<https://www.pressherald.com/2023/12/27/maine-board-wants-to-hand-decision-on-electric-vehicle-mandate-to-legislature/>



without proper legislative vetting, and also caused a lawsuit by the Sierra Club and other environmentalist groups against the state of Maine.²

Why Legislative Oversight is Necessary

The current rule-making petition process has several deficiencies that LD 236 would help address:

1. **Lack of Public Support:** A petition requiring just 150 signatures does not reflect the will of Maine people. In contrast, Maine's ballot initiative process requires signatures equal to 10% of votes cast in the last gubernatorial election, ensuring that only widely supported measures make it on the ballot.³
2. **Misallocation of Resources:** State agencies are forced to dedicate time and taxpayer resources to rule-making proceedings that may not be adopted, diverting attention from more pressing regulatory priorities.
3. **Potential for Regulatory Overreach:** Special interest groups can exploit the petition process to push burdensome and unpopular regulations, bypassing elected representatives and undermining the principle of representative government.
4. **Inconsistency with Maine's Legislative Process:** Fundamental changes to state law should occur through the Legislature, where proposals undergo thorough debate, fiscal impact analysis, public testimony and scrutiny. LD 236 reinforces the proper role of the Legislature in making substantive policy decisions.

Recommendations & Conclusion

LD 236 is a necessary reform that will help protect Maine's rule-making process from manipulation by special interests and ensure that regulatory petitions are subject to greater scrutiny and accountability. In addition to requiring legislative approval, we recommend:

- Raising the signature requirement to a more reasonable threshold, such as 5-10% of votes in the last gubernatorial election, or at a minimum, 150 signatures from voters in all 16 Maine counties.
- Allowing agencies to reject petitions not meeting clear, objective criteria for initiating a rule-making process.

²

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

³ https://ballotpedia.org/Laws_governing_the_initiative_process_in_Maine



By implementing these reforms, LD 236 will restore balance to the regulatory petition process and ensure that significant policy changes receive proper legislative oversight.

We urge the committee to support LD 236 to protect the integrity of Maine's regulatory system and uphold the principles of transparency, accountability, and representative government. Thank you for your time and consideration.