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JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

Testimony of Shenna Bellows, Secretary of State
Department of the Secretary of State

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Testifying against

L.D. 236 "An Act to Provide Legislative Oversight of the Rule-making Petition Process"

Senator Baldacci, Representative Salisbury and Members of the Joint Standing Committee on State and Local Government, my name is Shenna Bellows, I live in Manchester, and I am the Secretary of State. I am speaking today against L.D. 236.

Within the Department's Bureau of Corporations, Elections and Commissions is the Division of Rulemaking and Administrative Procedure Act Compliance. We have seen some, but not many, citizen-initiated rulemakings come through that process. There are a few reasons for that: only some are proposed, some of those proposals are incomplete, and few have been adopted by the agency they've been proposed to.

If lawmakers have concerns about overreach by any executive agency regarding rulemaking, then the appropriate response is not to hamstring rulemaking entirely nor to force agencies to chase the rulemaking priorities of a small number of citizens. Lawmakers set rulemaking authorities specific to specific agencies in specific statutes in accordance with what they believe the most appropriate standards should be, and that is a more judicious approach.

I also strongly oppose the idea that the Legislature could try to direct an agency to adopt a specific version of citizen-initiated rulemaking.

Lawmaker involvement in rulemaking is only to say that an agency *may* proceed with proposed Major Substantive rule changes. Not that an agency *must* make any specific change. Changing the amount of bureaucracy required to adopt a rule simply because of who brought the proposal is not good governance.

Thank you for the opportunity to testify, and I am happy to answer any questions you may have.