



Shenna Bellows
Secretary of State

Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Julie L. Flynn
Deputy Secretary of State

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

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

February 24, 2025

Testifying against
L.D. 490 "An Act to Provide for a 5-year Automatic Repeal of Agency Rules"

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. 490. We oppose L.D. 490 as policy. An arbitrary number of years for all rules to sunset is not a reasonable and rational way to run a government. Lawmakers should set any sunset of rules 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.

Additionally, we oppose L.D. 490 because of the burden it would put on the Department's Rulemaking and Administrative Procedure Act compliance program within the Bureau of Corporations, Elections and Commissions. That Division currently has one staff person, and he is already at maximum capacity. Additionally, while we are working towards a more robust electronic system for agencies to file their rulemaking proposal and adoptions with our office, we would need to substantially add to it in order to comply with the notice requirements in L.D. 490.

We also do not think the paperwork shuffling required to comply with L.D. 490 is an efficient use of government resources. Consider the amount of work for the Legislature, our Division and agencies just to look at all of the agency rules every five years. This is simply an expensive proposal for more bureaucracy and worse government administration with no real benefit for Mainers. For citizens, businesses and government administrators alike, this proposal will likely lead to confusion, uncertainty and increased litigation about the effect of certain rules.

There is already a mechanism for the citizenry to review agency rules in the citizen-initiated rulemaking process, and there's a mechanism for the Legislature through the legislative process whereby the Legislature may direct an agency to update rules. As the Maine saying goes, "if it ain't broke, don't fix it." This is a perfect example of not changing our processes to disrupt agency function.

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