

Committee on State & Local Government  
% Legislative Information Office  
100 State House Station  
Augusta, ME 04333

February 24, 2025

**RE: LD 490, An Act to Provide for a 5-year Automatic Repeal of Agency Rules**

On behalf of the environmental, conservation, and public health organizations listed below, we want to express our opposition to LD 490, An Act to Provide for a 5-year Automatic Repeal of Agency Rules.

This bill mandates that any agency rule adopted after January 1, 2026, will be automatically repealed after five years unless the agency requests and receives an exemption from the legislature. It also requires the Secretary of State to notify agencies 18 months before a rule's scheduled repeal. **This legislation is unnecessary, expensive, highly disruptive, and ill-advised.**

When the legislature passes laws and directs departments of the executive branch to implement those laws, those departments often do so through Rulemaking, a public process that is governed by Maine's Administrative Procedure Act (APA), enacted in 1977 and updated in subsequent years. Rulemaking under the APA adds the technical detail and expertise necessary to implement laws as effectively as possible. Rulemaking involves a rigorous stakeholder process that ensures many perspectives are considered; it's a public proceeding that invites input from legislators, advocates, and any member of the public. Depending on the will of the legislature, some of these rules will come back to them for final approval (Major Substantive), and some will be approved and implemented without further legislative approval (Routine Technical). A functioning government needs both laws and rules. Indeed, the APA was put in place specifically to guide state agencies in developing rigorous, informed, and transparent rules to carry out their work.

Agencies, communities, and businesses rely on stable regulations to plan long-term projects, investments, and compliance strategies. Automatically repealing rules every five years arbitrarily disrupts the regulatory stability on which businesses, property owners, health care providers, manufacturers, employers, and cities and towns rely. **An automatic requirement to repeal rules would create widespread uncertainty, discourage economic growth, and upend environmental protection efforts.** While periodic review is important, automatically repealing agency rules every five years would create uncertainty and instability and risk dismantling critical safeguards.

In addition, LD490 would burden state agencies with significant new costs to track, repeal and revisit every Rule in every state agency. Moreover, it would increase costs in the Office of the Secretary of State, requiring that office to track every Rule's implementation date and notify every agency of every Rule that is going to expire 18 months in advance of that expiration.

Proponents of LD490 offer to exempt specific rules from automatic repeal if an agency can jump through numerous bureaucratic hoops and secure legislative approval – all a full year before the rule automatically expires. This exemption process would create a completely unnecessary and costly new burden on agency staff, legislative committees, members of the public who would be called upon to testify at public hearings, and the House and Senate as these requests to sustain rules worked their way through the legislative process. If the legislature denies the exemption, the agency has to devote more limited resources to start Rulemaking all over again just one year later.

The fundamental impact of LD 490 would be to arbitrarily repeal all the Rulemaking work done by lawmakers, state agencies, stakeholders and the public every five years. In effect, this bill aims to automatically overturn significant chunks of Legislature's work on a rolling, five-year cycle. This is a radical, expensive, disruptive, and ill-advised proposal.

**We urge the State and Local Government Committee to oppose LD 490.**

Sincerely,

Acadia Center  
A Climate to Thrive  
American Cancer Society Cancer Action Network  
Appalachian Mountain Club  
Conservation Law Foundation  
Defend Our Health  
Friends of Casco Bay  
Maine Audubon

Maine Conservation Voters  
Maine Organic Farmers and Gardeners Assn.  
Maine Public Health Association  
Maine Youth for Climate Justice  
Natural Resources Council of Maine  
Sierra Club Maine  
Third Act Maine  
Union of Concerned Scientists

MAINE  
AUDUBON

DEFEND  
OUR  
HEALTH

  
Natural Resources  
Council of Maine

  
Maine  
Conservation  
Voters



clf  
Conservation  
Law Foundation

  
American  
Cancer  
Society  
Cancer  
Action  
Network

  
THIRD ACT  
MAINE



SIERRA CLUB  
MAINE CHAPTER



Friends of Casco Bay  
Casco BAYKEEPER

Union of  
Concerned  
Scientists



MPHA  
Maine Public Health Association

ACTT  
A Climate to Thrive