

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

March 31, 2025

RE: LD 965, An Act to Require the Automatic Repealing of Agency Rules

On behalf of the environmental, conservation, and public health organizations listed below, we want to express our opposition to LD 965, *An Act to Require the Automatic Repealing of Agency Rules*.

LD 965 amends the Maine Administrative Procedure Act to provide that any agency rule or an amendment which is finally adopted after January 1, 2026 is automatically repealed 5 years from the date of adoption and any rule adopted on or before January 1, 2026 is automatically repealed on January 1, 2030. It includes a process by which the Legislature may review and approve a renewal of an adopted rule prior to its automatic repeal for an additional period of up to 5 years. It also adds an additional requirement that any agency rule adopted after January 1, 2026 must include a statement identifying 2 existing rules adopted by or under the jurisdiction of the agency that the agency will not seek renewal of prior to the automatic repeal of those rules. **This legislation is unnecessary, expensive, highly disruptive, arbitrary, 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 after five years 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, upend environmental and public health protection efforts, and create chaos for the thousands of Mainers that depend upon services provided by state Agencies.** While periodic review is important, automatically repealing

agency rules every five years would create uncertainty and instability and risk dismantling critical safeguards.

In addition, LD 965 would burden state agencies with significant new costs to track, repeal and revisit every Rule in every state agency. Moreover, it increases the burden upon the legislative bodies by making the legislature responsible for approving any renewals of any rules before the repeal date. This puts an enormous burden on both agency and legislative staff as they would be responsible for tracking and providing documentation on the necessity of renewing each rule, of which there are thousands. Finally, requiring that Agencies will not seek renewal of 2 other rules when a new one is approved is arbitrary and makes little sense.

Proponents of LD 965 offer to allow the agency to request that the legislature review and renew a rule for an additional five years. This renewal 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 doesn't move forward with the renewal, the agency has to devote more limited resources to start Rulemaking again. The agency would also have to spend additional resources to find two other rules that they will not renew, adding yet more work to already overburdened agency staff. The entire section of this bill devoted to renewing the rules is burdensome and confusing.

The fundamental impact of LD 965 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 while adding additional work for both legislative and agency staff. This is a radical, expensive, disruptive, and ill-advised proposal with the potential to place human health and safety at risk and to undermine critical environmental protections.

We urge the State and Local Government Committee to oppose LD 965.

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



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Law Foundation


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Friends of Casco Bay
CASCO BAYKEEPER

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Concerned
Scientists




MPHA
Maine Public Health Association


ACTT
A Climate to Thrive