

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

March 31, 2025

RE: LD 1131, An Act to Reform the Process by Which a Person May Petition an Agency to Adopt or Modify Rules Under the Maine Administrative Procedure Act

On behalf of the environmental, conservation, and public health organizations listed below, we want to express our opposition to LD 1131, An Act to Reform the Process by Which a Person May Petition an Agency to Adopt or Modify Rules Under the Maine Administrative Procedure Act.

This bill presents a solution looking for a problem. Similar to LD 236, which was heard by this committee earlier this session, this legislation seeks to impose insurmountable barriers to a democratic petition process that allows for citizen engagement in environmental policymaking. In short, it drastically diminishes Maine citizens' right to petition the executive branch for changes in agency rulemaking. It amends the Maine Administrative Procedure Act (APA) to require the legislature's oversight and approval in citizen-initiated rulemaking conducted by state agencies and increases the threshold for petition signatures to initiate such a rulemaking by over 44 times the currently required amount. This change to "major substantive rules" creates an unnecessary hurdle for agencies tasked with conducting petition-based rulemaking and erodes a critical opportunity for Maine citizens to advocate for policy change in state government. The increased threshold for signatures further diminishes any opportunity for citizens to engage in environmental rulemaking on behalf of their communities. It also fails to recognize the part-time schedule of the legislature and the full-time schedule of state agencies, relegating citizen petitioners to only part-time access to the petition process sanctioned by the APA.

The ability to petition one's government for policy change is a basic right recognized in Maine's APA in 1977. The process has worked well for nearly 50 years. The rulemaking process is clear, and includes a public comment period during which elected officials, the advocacy community, and the general public may provide input. Imposing steep signature thresholds and requiring all rules developed in response to a petition to undergo legislative review and approval will likely prove unnecessarily time consuming, and will further add to the already-overcrowded legislative schedule while eroding an established democratic process for Maine citizens.

LD 1131 would undermine citizen-petitioned reform to agency rules and bog down the legislature with unnecessary work. We urge the State and Local Government Committee to vote Ought Not to Pass on LD 1131.

Signed,

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

