



HOUSE OF REPRESENTATIVES

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March 31, 2025

Senator Tepler, Representative Doudera and distinguished members of the Joint Standing Committee on Environment and Natural Resources. My name is Mike Soboleski. I proudly serve much of the Western Maine region in House District 73.

SUMMARY:

This bill changes the number of voter signatures required on a petition to require an agency to adopt or modify an agency rule from 150 to 1% of the total number of votes cast for Governor at the last gubernatorial election preceding the filing of the petition. The bill also specifies that the rules are Major Substantive rules.

This bill is a direct result of the 2024 effort by an Environment Lobbyist Organization that gathered 150 signatures from their members and inner circle in an attempt to use the regulatory petition process to alter Maine Law without the consent of or a vote by the State Legislature. Might I remind the committee – making, amending or altering law is our job.

The Organization I'm referring to attempted to force a change in a Routine Technical Emissions Law, and require that every new car dealer maintain 52% of its' inventory as Electric Vehicles (EV's), their regulatory petition was submitted to the Board of Environmental Protection (BEP) for action. Mind you, this came at a time when EV sales were slow, there were limited charging stations, major manufacturers like Jeep, Ford and Toyota were easing production, and many dealers were struggling with high operating cost, employee shortages, and high taxes.

I serve on the Environment and Natural Resource Committee, after attending a number of BEP meetings and public hearings, I proposed a bill to amend the law to make the Emissions Rules Major Substantive thereby requiring any changes to be brought before the legislature. It was after cloture and the bill had to go through Legislative Counsel.

Now, I'm sure everyone understands a Republican getting a bill through Leg. Counsel is very rare, but in this case it was a Bi-partisan effort. Senate President Troy Jackson and Speaker of the House Talbot-Ross both supported the bill, helped get it through Leg Counsel, and co-sponsored it. I assured them I would bring forward a bill in the 132nd to address the problem.

If an issue is important enough for an organization to go through the petition process, it is important enough issue that it be made a Major Substantive Rule and the Legislature have the final say.

Thank you.



131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2261

H.P. 1451

House of Representatives, March 12, 2024

An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SOBOLESKI of Phillips.
Cosponsored by President JACKSON of Aroostook and
Representatives: CAMPBELL of Orrington, FAULKINGHAM of Winter Harbor, PAUL of
Winterport, SMITH of Palermo, Speaker TALBOT ROSS of Portland, Senators: BLACK of
Franklin, LYFORD of Penobscot, STEWART of Aroostook.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §585-D**, as amended by PL 2011, c. 120, §8, is further amended
3 by enacting at the end a new paragraph to read:

4 Rules adopted by the department pursuant to this section, including, but not limited to,
5 rules to establish zero-emission requirements, are major substantive rules as defined in Title
6 5, chapter 375, subchapter 2-A.

7 **Sec. 2. Major substantive rulemaking; advanced clean cars II program and**
8 **advanced clean trucks program.** Proposed rules before the Board of Environmental
9 Protection on or after January 1, 2024 to establish motor vehicle emission standards for
10 new passenger cars, light-duty trucks and medium-duty motor vehicles by incorporating
11 the requirements of California's Advanced Clean Cars II regulation and to establish motor
12 vehicle emission standards for medium-duty and heavy-duty motor vehicles greater than
13 8,500 pounds by adopting California's Advanced Clean Trucks regulation, including rules
14 designated as Chapter 127-A: Advanced Clean Cars II Program and Chapter 18: Advanced
15 Clean Trucks Program, are major substantive rules.

16 **Sec. 3. Retroactivity.** This Act applies retroactively to May 22, 2023.

17 **SUMMARY**

18 This bill provides that rules adopted by the Department of Environmental Protection
19 regarding new motor vehicle emission standards, including rules to establish zero-emission
20 requirements, are major substantive rules. It also provides that proposed rules before the
21 Board of Environmental Protection on or after January 1, 2024 to incorporate the
22 requirements of California's Advanced Clean Cars II regulation and California's Advanced
23 Clean Trucks regulation are major substantive rules. The provisions in the bill are
24 retroactive to May 22, 2023.



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The distinction between Routine Technical and Major Substantive rule statute:

- “Routine Technical rules,” are those that establish standards of practice or procedure for agency business, including, for example, rules that set a fee within a range specified by statute.
- “Major Substantive rules” are rules that, in the judgment of the Legislature, either (1) require the exercise of significant agency discretion or interpretation in drafting or (2) are reasonably expected to result in a significant increase in the cost of doing business, significant reduction in property values, significant reduction of government benefits or services, serious burden on the public or serious burden on units of local government.”

The BEP is acting responsibly and doing the right thing by the citizens of our great state. It’s our responsibility and our duty to put the issue before the body.

Thank you for your consideration.