



February 23, 2023

RE: Testimony in Support of LD 595 – An Act to Require Major Substantive Rulemaking for the Companion Animal Sterilization Fund

Senator Ingwersen, Representative Pluecker, and members of the Agriculture, Conservation and Forestry Committee:

My name is Beth Gallie and I am President of Maine Animal Coalition. Maine Animal Coalition is a not for profit dedicated to the elimination of animal abuse and exploitation through education, advocacy, and example. And we have been involved in the Help Fix Me program since its beginning.

Today I am writing in support of **LD 595 – An Act to Require Major Substantive Rulemaking for the Companion Animal Sterilization Fund**. As you know, the Animal Welfare Program was charged by the Maine Legislature to put the Help Fix Me program out to bid by August 1, 2022. Instead, late in 2022 they issued routine technical rules that in essence made the Help Fix Me program less accessible to Mainers and unlikely to attract bidders.

Spay Maine, initiators of the Help Fix Me program, found many serious flaws in the routine technical rules developed by the Animal Welfare Program. The flaws include drastically changing the program to focus on spay/neuter events, which by nature are not as accessible as local veterinarians. Also, the new rules regarding execution,

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payment and reporting are needlessly complicated. Finally, by specifying qualifications to bid for the contract that few if any Maine organizations possess, the outcome could be no bidders at all.

According to the Maine Administrative Procedure Act 5 M.R.S.A. §8071 2B, major substantive rules are rules that “in the judgment of the Legislature:

- (1) Require the exercise of significant agency discretion or interpretation in drafting; or
- (2) Because of their subject matter or anticipated impact, are reasonably expected to result in a significant increase in the cost of doing business, a significant reduction in property values, the loss or significant reduction of government benefits or services, the imposition of state mandates on units of local government as defined in the Constitution of Maine, Article IX, Section 21, or other serious burdens on the public or units of local government.”

The Help Fix Me rules should be adopted as major substantive rules because the Animal Welfare Program is exercising significant agency discretion and the anticipated impact of the new routine technical rules is a loss of government benefits or services for Mainers and a greater burden on local governments caused by failure to reduce the number of unwanted cats and dogs.

Beth Gallie