



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: Maine Relay 711

Rachel Talbot Ross

Assistant House Majority Leader
Office: (207) 287-1430
Rachel.TalbotRoss@legislature.maine.gov

March 24, 2021

Testimony of Assistant House Majority Leader Rachel Talbot Ross sponsoring
**LD 661, An Act To Ensure Equity in Petitions for Rulemaking
under the Maine Administrative Procedure Act**
Before the Joint Standing Committee on Criminal Justice and Public Safety

Senator Deschambault, Representative Warren and honorable members of the Criminal Justice and Public Safety Committee, my name is Rachel Talbot Ross. I represent House District 40, which comprises the Portland neighborhoods of Parkside, Bayside, East Bayside, Oakdale and the University of Southern Maine campus. Thank you for the opportunity to come before you today to present **LD 661, An Act To Ensure Equity in Petitions for Rulemaking under the Maine Administrative Procedure Act**.

The goal of this bill is to create more fair and equitable access to rulemaking petitions. The Maine Administrative Procedure Act, or APA, requires 150 registered voters in order to petition a department for rulemaking. This statute may be reasonable for the general public, but for many residents of our state correctional facilities, this means that access to the petition process is not available.

Specifically, women in Maine's correctional facilities are currently shut out of the process. None of Maine's correctional facilities house 150 women. In fact, there are not 150 women in the entire Maine Department of Corrections system, and there is no one facility with the capacity for 150 women. However unintentional, this means this group is effectively unable to petition for rulemaking because of their gender.

LD 661 seeks to resolve this problem by allowing 25% of any population – or 150 individuals, whichever is less – from a single facility to initiate rulemaking by petition. This bill does not seek to change the rulemaking process broadly. It does, however, ensure that all Mainers, regardless of incarceration, have access to this fundamental process for engagement with their government.

I understand that the Department is here today and will offer a friendly amendment. I support their proposal and am glad to work with the Department and the committee to advance this measure.

Thank you for your attention today and for your consideration of this measure. I would be happy to take any questions.