

**TESTIMONY OF DAVID JACKSON, Executive Director
State Board of Licensure for Professional Engineers**

In Opposition to LD 835

**“An Act To Allow Citizens To Petition Government Agencies To Repeal or
Modify Occupational Regulations”**

Public Hearing: April 30, 2021

Senator Baldacci, Representative Matlack, and Members of the Joint Standing Committee on State and Local Government.

My name is David Jackson. I am the Executive Director of the State Board of Licensure for Professional Engineers. The board was created by the Maine Legislature in 1935 to protect the health, safety, and property of the public through the regulation of professional engineering.

The board is made up of six licensed professional engineers, including the Chief Engineer at MaineDOT (ex officio), and one public member. The board is a member of the National Council of Examiners for Engineering and Surveying. As Executive Director, I often represent the board at the national council and have served on the committee to revise the national model law and model rules, as well as the national task force on licensure mobility.

LD 835 is unnecessary and duplicative. The board routinely reviews its laws and rules and proposes changes through the legislature or through the rulemaking process. These processes are publicly noticed so that citizens can participate, although they often do not. In 2014 the board did a complete repeal and replace of all six chapters of rules and the public meeting was held outside of work hours in a room that would hold approximately 150 people. Two people came, both licensed engineers who supported the rule change.

The board holds an annual public meeting with stakeholders from professional engineering societies, representatives of Maine engineering firms, and individual licensees to discuss possible changes to the statute or rules. LD 11, which I believe the Senate has carried over, is a product of that collaboration.

LD 835 would require agency review in 2021, but legislative review of state agencies under Title 3 is already an existing public protection. The PE board went through legislative review in 2019 and issued a 22-page report that was presented to the Legislature and is published on our web site. Another review in 2021 is unnecessary. If the Legislature feels that more frequent reviews are needed, we think that requirement should be incorporated in the existing statute. LD 835 gives no specificity to whom a report should issue or in what form, which would generate inconsistency and confusion.

LD 835 Section 5 replicates the process in 5 M.R.S. § 8055, but the board's permitted response time is 30 days longer than current law requires. Also, 5 M.R.S. § 8055 forces mandatory rulemaking if the petitioner convinces 149 fellow citizens to sign on.

LD 835 Section 6 contradicts existing law by assigning actions to the District Court that are currently assigned to the Superior Court in 5 M.R.S. § 8058. This contradiction would create unnecessary confusion.

LD 835 is unnecessary and the processes it tries to create already exist.

Thank you. I am happy to answer any questions now or in the work session.