

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 965

H.P. 624

House of Representatives, March 11, 2025

An Act to Require the Automatic Repealing of Agency Rules

Received by the Clerk of the House on March 6, 2025. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative LIBBY of Auburn.

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

2 **Sec. 1. 5 MRSA c. 375, sub-c. 2-B** is enacted to read:

3 **SUBCHAPTER 2-B**

4 **AUTOMATIC REPEAL OF RULES**

5 **§8091. Automatic repeal of rules and amendments to rules**

6 Notwithstanding any provision of law to the contrary, the provisions of this section
7 apply to any rule that is adopted or amended by any agency in accordance with the
8 requirements of this chapter.

9 **1. Automatic repeal.** Except as otherwise provided in this section, an agency rule
10 that, in accordance with the requirements of this chapter, is finally adopted or an
11 amendment to which is finally adopted:

12 A. After January 1, 2026 is automatically repealed 5 years from the date of adoption;
13 and

14 B. On or before January 1, 2026 is automatically repealed on January 1, 2030.

15 **2. Notice of repeal.** The Secretary of State shall provide to the agency that adopted
16 or has jurisdiction over each rule a notice regarding the date of the automatic repeal of the
17 rule as set forth in subsection 1, including for any rule renewed by the Legislature prior to
18 repeal pursuant to subsection 3 or 4 or automatically renewed pursuant to subsection 5, no
19 later than 18 months prior to the date on which the rule is automatically repealed.

20 **3. Agency request for renewal of rule prior to repeal.** In accordance with this
21 subsection, an agency that has adopted or has jurisdiction over a rule may submit to the
22 Legislature a request that the rule be renewed and not subject to repeal for an additional
23 period of up to 5 years.

24 A. The request must describe the basis for renewing the rule and include a cost-benefit
25 analysis of the rule. The agency shall submit the request not earlier than 2 years and
26 not later than one year prior to the date on which the rule is automatically repealed in
27 accordance with this section and shall publish the request on its publicly accessible
28 website at the time the request is submitted.

29 B. A request determined by the Legislature to be properly submitted under this
30 subsection must be reviewed by the joint standing committee of the Legislature having
31 jurisdiction over the subject matter of the rule during the legislative session to which
32 the request is submitted or during the next legislative session if the request is submitted
33 while the Legislature is not in session. If the rule to be reviewed is a major substantive
34 rule as defined in subchapter 2-A, the committee shall apply in its review the criteria
35 set forth in section 8072, subsection 4. Following its review, the committee shall
36 submit to the Legislature any findings and recommendations regarding the request for
37 renewal and may report out legislation necessary to renew the rule for an additional
38 period of up to 5 years.

39 **4. Regular review of agency rules by legislative committee.** Each joint standing
40 committee of the Legislature shall establish an agency rule review schedule, which must

1 facilitate the committee's review of each adopted agency rule within the committee's
2 subject matter jurisdiction prior to the date on which the rule is automatically repealed in
3 accordance with this section. If the rule to be reviewed is a major substantive rule as
4 defined in subchapter 2-A, the committee shall apply in its review the criteria set forth in
5 section 8072, subsection 4. Following its review of each rule, the committee shall submit
6 to the Legislature any findings and recommendations regarding whether the rule should be
7 renewed and may report out legislation necessary to renew the rule for an additional period
8 of up to 5 years.

9 **5. Automatic renewal of agency rules.** If an agency's rule is renewed by the
10 Legislature pursuant to subsection 3 or 4, prior to the date on which the rule is automatically
11 repealed, the agency may elect to submit to the Legislature a request that the rule be
12 automatically renewed for a period of 5 additional years subsequent to the running of the
13 renewal period provided for by the Legislature.

14 A. A request for automatic renewal under this subsection must include identification
15 by the agency of 2 additional rules adopted by the agency that the agency will not seek
16 renewal of prior to automatic repeal pursuant to this section. If the agency requests
17 automatic renewal of a rule that is a major substantive rule as defined in subchapter
18 2-A, the 2 additional rules for which the agency will not seek renewal prior to automatic
19 repeal must also be major substantive rules.

20 B. A request determined by the Legislature to be properly submitted under this
21 subsection must be reviewed by the joint standing committee of the Legislature having
22 jurisdiction over the subject matter of the rule for which automatic renewal is requested
23 during the legislative session to which the request is submitted or during the next
24 legislative session if the request is submitted while the Legislature is not in session.
25 Following its review, the committee shall submit to the Legislature any findings and
26 recommendations regarding the request for automatic renewal and may report out
27 legislation necessary to approve automatic renewal of the rule for an additional period
28 of up to 5 years contingent upon the agency not seeking renewal of the 2 additional
29 rules it identified in the request pursuant to paragraph A.

30 **6. Additional requirements for rules adopted after January 1, 2026.** In addition
31 to the other requirements of this section, an agency rule that, in accordance with the
32 requirements of this chapter, is finally adopted after January 1, 2026 must, at the time the
33 agency finally adopts the rule, include a statement identifying 2 existing rules adopted by
34 or under the jurisdiction of the agency that the agency will not seek renewal of prior to the
35 automatic repeal of those rules pursuant to this section. If the agency is finally adopting a
36 rule that is a major substantive rule as defined in subchapter 2-A, the 2 additional rules for
37 which the agency will not seek renewal of prior to automatic repeal must also be major
38 substantive rules. For any rule that an agency identifies pursuant to this subsection as a
39 rule that the agency will not seek renewal of prior to its automatic repeal, the Legislature
40 may not consider renewal of that rule pursuant to subsection 3 or 4 prior to its automatic
41 repeal under this section.

42 SUMMARY

43 This bill amends the Maine Administrative Procedure Act to provide that any agency
44 rule that is finally adopted or an amendment to which is finally adopted in accordance with
45 the requirements of that Act after January 1, 2026 is automatically repealed 5 years from

1 the date of final adoption and any rule finally adopted on or before January 1, 2026 is
2 automatically repealed on January 1, 2030. The bill includes a process by which the
3 Legislature may review and approve a renewal of an adopted rule prior to its automatic
4 repeal for an additional period of up to 5 years. The bill also provides that an agency rule
5 finally adopted after January 1, 2026 must include a statement identifying 2 existing rules
6 adopted by or under the jurisdiction of the agency that the agency will not seek renewal of
7 prior to the automatic repeal of those rules.