

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1408

H.P. 930

House of Representatives, April 1, 2025

An Act to Codify Judicial Deference to Agency Interpretations

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative SINCLAIR of Bath.
Cosponsored by Senator CARNEY of Cumberland.

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

2 **Sec. 1. 5 MRSA c. 375, sub-c. 8** is enacted to read:

3 **SUBCHAPTER 8**

4 **JUDICIAL DEFERENCE TO AGENCY INTERPRETATION**

5 **§11011. Judicial deference**

6 When construing a statute that an agency administers, or rules that an agency has
7 adopted, a court must use the 2-part analysis in this section.

8 **1. Unambiguous.** If the statute or rule is unambiguous as viewed in the context of the
9 statute's or rule's subject matter and purpose, the court must give effect to its plain meaning.
10 The language of the statute or rule is considered unambiguous if it is not reasonably
11 susceptible to different interpretations.

12 **2. Ambiguous.** If the plain language of a statute or rule is ambiguous, the court shall
13 defer to the interpretation of the statute or rule by the agency charged with its
14 implementation if:

15 A. The interpretation of the statute or rule involves issues that are within the scope of
16 the agency's expertise; and

17 B. The agency's interpretation is reasonable.

18 The provisions of this subchapter do not exclude or limit any other appropriate exercise
19 of judicial deference to agency judgment or expertise.

20 **SUMMARY**

21 This bill codifies judicial deference to agency interpretation of statutes and rules that
22 agencies administer. The bill establishes a 2-part test to be used by courts when reviewing
23 an agency's interpretation of a statute it administers or a rule it has adopted. The bill
24 requires the court to give effect to the statute's or rule's plain meaning if the statute or rule
25 is unambiguous. If the language of the statute or rule is ambiguous, the court is required
26 to defer to the agency if the statute or rule is within the scope of the agency's expertise and
27 the agency's interpretation is reasonable.