

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 835

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H.P. 603

House of Representatives, March 8, 2021

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

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Reference to the Committee on State and Local Government suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative ANDREWS of Paris.

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

2 **Sec. 1. 5 MRSA §8075** is enacted to read:

3 **§8075. Occupational rules**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Agency" means the State, all units of State Government and all units of  
7 governmental entities established under the Constitution of Maine or laws of the State  
8 or established by any entity that was established by the Constitution of Maine or the  
9 laws of the State.

10 B. "Occupational rule" means any rule, regulation, policy, fee, condition, test, permit,  
11 administrative practice or other provision that allows an individual to use an  
12 occupational title or engage in an occupation, trade or profession or a cease and desist  
13 demand or other regulatory requirement that prevents an individual from using an  
14 occupational title or working in an occupation, trade or profession.

15 C. "Welfare" means the protection of a member of the public against fraud or harm,  
16 and does not include the protection of an existing public or private agency or business  
17 from competition.

18 **2. Limitation of occupational rules.** All occupational rules are limited to those  
19 demonstrated to be necessary and carefully tailored to fulfill legitimate public health, safety  
20 or welfare objectives and may not unnecessarily burden the entry into a profession, trade  
21 or occupation.

22 **3. Review of occupational rules.** By January 1, 2022, every agency shall conduct a  
23 comprehensive review of all occupational rules within that agency's jurisdiction, and for  
24 each occupational rule the agency shall:

25 A. Articulate with specificity the public health, safety or welfare objective served by  
26 the rule;

27 B. Articulate the reason why the rule is necessary to serve the specified objective;

28 C. Analyze, where information is readily available, the effects of the rule on  
29 opportunities for workers, consumer choices and costs, general employment, market  
30 competition, governmental costs and other similar effects; and

31 D. Compare the rule to whether and how other jurisdictions regulate the same business  
32 or profession.

33 **4. Repeal of nonconforming occupational rules.** Notwithstanding sections 8071 and  
34 8072, after review under subsection 3 if the agency determines that an occupational rule  
35 does not meet the standard of subsection 2, the agency shall:

36 A. Repeal the rule or modify the rule to meet the standard in subsection 2; or

37 B. If repeal or modification of the rule is not within the agency's authority, recommend  
38 to the Legislature actions necessary to repeal or modify the rule to meet the standard  
39 in subsection 2.

40 By January 1, 2022, each agency shall report to the Legislature on all actions taken by the  
41 agency to conform to subsections 3 and 4.

