



132nd MAINE LEGISLATURE

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Legislative Document

No. 490

H.P. 319

House of Representatives, February 11, 2025

An Act to Provide for a 5-year Automatic Repeal of Agency Rules

Received by the Clerk of the House on February 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, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SMITH of Palermo.

Cosponsored by Representatives: COLLINS of Sidney, HAGGAN of Hampden, MINGO of Calais, MORRIS of Turner, OLSEN of Raymond, PERKINS of Dover-Foxcroft, SOBOLESKI of Phillips.

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 AND AMENDMENTS TO RULES**
5 **ADOPTED AFTER JANUARY 1, 2026**

6 **§8091. Automatic repeal of rules and amendments to rules adopted after January 1,**
7 **2026**

8 The provisions of this section apply to any rule that is adopted or amended by any
9 agency in accordance with the requirements of this chapter after January 1, 2026, including
10 any rule that is adopted or amended prior to January 1, 2026 and then further amended after
11 January 1, 2026.

12 **1. Automatic repeal.** Except as provided in subsection 3 and notwithstanding any
13 provision of law to the contrary, an agency rule that is finally adopted or an amendment to
14 which is finally adopted in accordance with the requirements of this chapter after January
15 1, 2026 is automatically repealed 5 years from the date of final adoption.

16 **2. Notice of repeal.** For a rule subject to automatic repeal under this section, including
17 any such rule renewed prior to repeal pursuant to subsection 3, the Secretary of State shall
18 provide to the agency that adopted or has jurisdiction over the rule a notice regarding the
19 date of the automatic repeal no later than 18 months prior to the date on which the rule is
20 repealed.

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

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27 not later than one year prior to the date on which the rule is automatically repealed in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

30 **B.** A request determined by the Legislature to be properly submitted under this
31 subsection must be reviewed by the joint standing committee of the Legislature having
32 jurisdiction over the subject matter of the rule during the legislative session to which
33 the request is submitted or during the next legislative session if the request is submitted
34 while the Legislature is not in session. Following its review, the committee shall
35 submit to the Legislature any findings and recommendations regarding the request for
36 renewal and may report out legislation necessary to renew the rule for an additional
37 period of up to 5 years.

38 **4. Legislative authority.** Nothing in this section prohibits the enactment of legislation
39 that provides for the automatic repeal of an agency rule less than 5 years from the date on
40 which the rule or an amendment to the rule is finally adopted or for the repeal of an agency

1 rule prior to the date on which the rule is automatically repealed in accordance with this
2 section.

3 **SUMMARY**

4 This bill amends the Maine Administrative Procedure Act to provide that any agency
5 rule that is finally adopted or an amendment to which is finally adopted in accordance with
6 the requirements of that Act after January 1, 2026 is automatically repealed 5 years from
7 the date of final adoption. An agency that has adopted or has jurisdiction over a rule subject
8 to automatic repeal may submit to the Legislature a request that the rule be renewed and
9 not be subject to repeal for an additional period of up to 5 years. For any rule subject to
10 automatic repeal, the bill requires the Secretary of State to provide to the agency that
11 adopted or has jurisdiction over the rule a notice regarding the date of the automatic repeal
12 no later than 18 months prior to the date on which the rule will be repealed.