Maine Forest Products Council

The voice of Maine's forest economy

Testimony in Support of LD 1131

"An Act to Reform the Process by Which a Person May Petition an Agency to Adopt or Modify Rules Under the Maine Administrative Procedure Act"

March 31, 2025
Patrick Strauch, Executive Director

Senator Baldacci, Representative Salisbury, and members of the State and Local Government Committee; my name is Patrick Strauch, and I serve as Executive Director of the Maine Forest Products Council. I am providing testimony today in strong support of LD 1131, "An Act to Reform the Process by Which a Person May Petition an Agency to Adopt or Modify Rules Under the Maine Administrative Procedure Act."

For 65 years, the Maine Forest Products Council has served as the voice of Maine's forest economy, representing more than 300 members from all facets of the forest products industry. Our members include pulp and paper mills, sawmills, secondary wood processors, foresters, loggers and truckers. We also represent commercial landowners managing more than 8 million acres of forestland.

LD 1131 proposes to change the number of voter signatures necessary to require an agency to adopt or modify an agency rule from 150 to 1 percent of the total number of votes cast for Governor at the last gubernatorial election preceding the filing of the petition. Based on voter turnout during the 2022 election, approximately 6,650 voter signatures would be needed to require an agency to proceed in rulemaking based on the petition process. Additionally, this bill further specifies that any rules put forth by this process are major substantive rules.

In 2023, the Maine Department of Environmental Protection was petitioned by 150 citizens to undertake rulemaking requiring Maine to adopt California's Advanced Clean Truck Rule. Had it been adopted by the six-member Board of Environmental Protection, this rule would have gone directly into effect statewide, severely restricting the availability of non-EV medium and heavy-duty trucks that could be sold in the state of Maine by establishing a mandatory zero emissions threshold starting in 2027.

As an industry with immense transportation needs, with much of the 15 million tons of wood moved from the forest to manufacturing facilities annually (an estimated 750,000 loads) originating far from charging infrastructure - or even cell service for that matter - this rule, and the fast track initiated by the petition process, was of great concern to our members.

Notably, others shared our concerns. According to press accounts, during deliberations, "Board chair Sue Lessard said she spent 45 hours reading every word of comment and material given to the board regarding this rule. She also voted against the rule because she had too many lingering questions and felt such a "massive" decision may be better placed in the hands of elected officials.

"I'm not sure we are — given the magnitude of this decision — that we are the right decision makers," Lessard said of the governor-appointed body, adding that she hopes the Legislature takes it up."1

This comment was made in response to a similar proposal to require 82 percent of new vehicles sold in Maine by 2032 to be electric, but it undoubtedly also applied to the Advanced Clean Truck Rule that was considered in tandem.

While these initiatives ultimately failed due to their scope and far-reaching implications, they highlighted the urgent need for an additional layer of scrutiny for future petitions. Requiring a much higher signature requirement shows that there is a broader level of public support for a particular issue. One cannot dispute that 6,650 voter signatures better reflects actual interest in a proposed rule change than just 150 people.

Decisions of this scope should ultimately lie in the hands of elected officials, who are accountable to the people of Maine. By requiring these rules to be major substantive, we are ensuring that lawmakers will have the final say on any rule proposed through the petition process.

The Maine Forest Products Council fully supports LD 1131, and we urge the committee to vote **'Ought to Pass'**. Thank you for your consideration.