

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 1312

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H. P. 1010

House of Representatives, March 11, 1969

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT Establishing a Full-time Administrative Hearing Commissioner.**

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**Preamble.** Whereas, the workload of the part time Administrative Hearing Commissioner has become too voluminous for efficient and expeditious adjudication on a part-time basis; and

Whereas, the establishing of a full-time Administrative Hearing Commissioner will result in more expeditious and efficient service to the tens of thousands of citizens governed by the Administrative Code and to the general public; and

Whereas, the present part-time Administrative Hearing Commissioner is to assume the full-time responsibilities of the Administrative Hearing Commissioner; now, therefore,

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

**Sec. 1. R. S., T. 5, § 2401, repealed and replaced.** Section 2401 of Title 5 of the Revised Statutes, as amended by Section 12 of chapter 476 of the public laws of 1967, is repealed and the following enacted in place thereof:

**§ 2401. Administrative Hearing Office**

The Administrative Hearing Office, as heretofore established, shall be under the supervision of the Administrative Hearing Commissioner.

1. **Appointment of Hearing Commissioner.** The Hearing Commissioner, as heretofore appointed, shall be appointed by the Governor, with the advice and consent of the Council, for a continuous term of office, subject only to removal for cause by a majority vote of the Governor and the individual members of the Council, acting as one body, after notice and public hearing if requested by the Administrative Hearing Commissioner.

2. **Qualifications of Administrative Hearing Commissioner.** The Administrative Hearing Commissioner must be a member of the bar of the State. He shall devote full time to his judicial duties. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law.

3. **Salary; retirement.** The Administrative Hearing Commissioner shall receive an annual compensation which is equivalent to that of a Justice of the Superior Court and he shall be entitled to actual and necessary expenses in the performance of his duties. Title 4, sections 103 and 104, now applicable to Justices of the Superior Court, are made applicable to the Administrative Hearing Commissioner. He may employ necessary clerical assistance.

4. **Hearing.** On receipt of a written complaint from an agency, the Administrative Hearing Commissioner shall conduct a hearing on the applicable facts and law and governed by the Administrative Code. He may subpoena and examine witnesses in accordance with chapters 301 to 307. He shall issue a written decision containing his findings of fact and conclusions of law in each case.

**Sec. 2. Intent and first full-time Administrative Hearing Commissioner.** It is the intent of the Legislature that the hearing and disposition of cases arising under the Administrative Code shall not be disrupted by this Act. The first full-time Administrative Hearing Commissioner under this Act shall be the present Administrative Hearing Commissioner serving as such at the effective date of this Act, and he shall serve a continuous term of office, subject only to removal for cause by a majority vote of the Governor and the individual members of the Council, acting as one body, after notice and public hearing if requested by the Administrative Hearing Commissioner.

**Sec. 3. Appropriation.** There is appropriated from the General Fund the sum of \$59,428 to carry out the purposes of this Act. The breakdown shall be as follows:

		1969-70		1970-71
<b>ADMINISTRATIVE HEARING OFFICE</b>				
Personal Services	(2)	\$27,092	(2)	\$27,092
All Other		2,622		2,622
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		\$29,714		\$29,714