

MAINE STATE LEGISLATURE

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NEW DRAFT OF: H. P. 1010; L. D. 1312

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1577

H. P. 1242

House of Representatives, June 5, 1969

Reported by Mr. Dennett from Committee on State Government. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Establishing a Full-time Administrative Hearing Commissioner.

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 R. S., T. 5, § 2401, repealed and replaced. Section 2401 of Title 5 of the Revised Statutes, as amended by section 12 of chapter 476 of the public laws of 1967, is repealed and the following enacted in place thereof: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 Administrative Hearing Commissioner. The Administrative Hearing Commissioner, as heretofore appointed, shall be appointed by the Governor, with the advice and consent of the Council. He shall hold office for a term of 7 years and until his successor has been appointed and qualified.

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.** The Administrative Hearing Commissioner shall receive an annual compensation of \$19,500. He shall be entitled to actual and necessary expenses in the performance of his duties. 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 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 for a term of 7 years. In order to insure the continuity of high calibre service in this office, it is the further intent of the Legislature that during his good behavior in office, the Administrative Hearing Commissioner may be reappointed to succeeding 7-year terms in the same manner as justices of the court system.

Sec. 3. Appropriation. There is appropriated from the General Fund the sum of \$19,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1969-70	1970-71
ADMINISTRATIVE HEARING OFFICE		
Personal Services	\$8,500	\$8,500
All other	1,000	1,000
	<hr/> \$9,500	<hr/> \$9,500