

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1716

H. P. 1367

House of Representatives, January 6, 1970

The Committee on Judiciary suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
AND SEVENTY

**AN ACT Relating to Disqualification of the Administrative Hearing
Commissioner.**

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

Sec. 1. R. S., T. 5, § 2401, sub-§ 5, additional. Section 2401 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 507 of the public laws of 1969, is amended by adding a new subsection 5, as follows:

5. **Disqualification of Administrative Hearing Commissioner.** Whenever the Administrative Hearing Commissioner determines that he has a personal interest or a financial interest, directly or indirectly, in a case which is before him, or that he is related to a party or to counsel for a party, he shall disqualify himself from hearing an individual case. In such event he shall certify to the Chief Justice of the Supreme Judicial Court the name and nature of the case, the fact of his disqualification and the reason therefor. A copy of the certification shall be filed in the docket of the case.

The Chief Justice shall approve or disapprove the disqualification of the Administrative Hearing Commissioner and shall give written notice of same to the Administrative Hearing Commissioner and to the parties to the action and shall file his approval or disapproval in the docket of the case.

If the Chief Justice approves the disqualification of the Administrative Hearing Commissioner, the moving party shall, within 10 days thereafter, commence an action by filing or refiling his complaint with any active or active retired Justice of the Supreme Judicial or Superior Court, who, sitting in the Superior Court, shall hear the case de novo and render a written decision thereon, in accordance with the provisions of the Administrative Code. An aggrieved party may appeal from the decision of said justice sitting in Superior Court to the Supreme Judicial Court, as in other civil cases.