

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 633**

S. P. 217

In Senate, February 6, 1973

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Changing Name of Administrative Hearing Office  
to Administrative Court.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the cumbersome titles "Administrative Hearing Office" and "Administrative Hearing Commissioner" are vague and confusing to the tens of thousands of persons governed by the Administrative Code and to the general public; and

Whereas, persons whose professional and business licenses are in jeopardy should be entitled to have their cases heard and adjudged by a "Court" rather than a "Hearing Office;" and

Whereas, in view of the serious nature of the cases heard by this tribunal, it is in the best interest of the general public and of the business and professional persons whose livelihood is involved, to dignify the subject office with the more appropriate titles of "Administrative Court" and "Administrative Court Judge;" and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., T. 5, § 2301, sub-§ 4, repealed and replaced.** Subsection 4 of section 2301 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

4. **Administrative Court Judge.** "Administrative Court Judge" means Administrative Court Judge appointed under section 2401.

**Sec. 2. R. S., T. 5, § 2401, amended.** The first paragraph of section 2401 of Title 5 of the Revised Statutes, as repealed and replaced by section 1 of chapter 507 of the public laws of 1969, is repealed and the following enacted in place thereof:

**The Administrative Court, as heretofore established, shall be under the supervision of the Administrative Court Judge. The Administrative Court shall be a court of record and the Administrative Court Judge shall establish a seal.**

**Sec. 3. Amendatory clause.** Wherever in the Revised Statutes or in the public laws the words "Administrative Hearing Office" and the words "Administrative Hearing Commissioner" appear, they shall mean "Administrative Court" and "Administrative Court Judge," respectively.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This bill is intended to change the titles of Administrative Hearing Office and Administrative Hearing Commissioner to Administrative Court and Administrative Court Judge. This will benefit the numerous business and professional citizens who are entitled to have their alleged violations heard and adjudged by a more properly designated judicial tribunal.