

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 644, L.D. 2011, Bill, "AN ACT to Exempt the Industrial Accident Commission from the Administrative Procedure Act."

Amend the bill by inserting before the enacting clause the following:

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

Whereas, the effective date of the Maine Administrative Procedure Act is July 1, 1978; and

Whereas, the adjudicatory and appeals process of the Industrial Accident Commission will be directly effected by the ^{Maine} Administrative Procedure Act; 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, '

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 5 MRSA §9051, sub-§1, as enacted by PL 1977, c. 551, §3, is amended to read:

1. Adjudicatory proceeding. In any adjudicatory proceeding, except those proceedings involving either correctional facilities, the Industrial Accident Commission or the State Parole Board, the procedures of this subchapter shall apply.

Sec. 2. 5 MRSA §11001, sub-§1, first sentence, as enacted by PL 1977, c. 551, §3, is amended to read:

Except where a statute provides for direct review or review of a pro forma judicial decree by the Supreme Judicial Court or to the extent judicial review is specifically limited by statute, any person who is aggrieved by final agency action shall be entitled to judicial review thereof in the Superior Court in the manner provided by this subchapter.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1978.'

Statement of Fact

This purpose of this amendment is to exempt the Industrial Accident Commission from the following 2 subchapters of the Maine Administrative Procedure Act: Subchapter IV, Adjudicatory Proceedings and Subchapter VII, Judicial Review - Final Agency Action. In both instances the current Industrial Accident Commission procedures differ for important reasons from the ^{Maine} Administrative Procedure Act procedures and are equally protective of the rights of Maine citizens.

Reported by the Committee on Labor.

Reproduced and distributed pursuant to Senate Rule 11-A.

February 6, 1978

(Filing No. S-457)