

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2024

H. P. 1945

Governor's Bill. The Committee on Health and Institutional Services suggested.

Office of the Clerk of the House

EDWIN H. PERT, Clerk

Presented by Mr. Stubbs of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Empower Administrative Hearing Officers to Sign Fair Hearing Decisions.

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

22 MRSA § 3181, sub-§ 1, 3rd sentence, as enacted by PL 1973, c. 790, § 2, is repealed as follows:

~~When the evidence in the case is heard by a person other than the commissioner, the decision shall be rendered in the name of the commissioner.~~

STATEMENT OF FACT

For over 30 years subsequent to the enactment of the public assistance titles to the Social Security Act, any requests for fair hearings in an AFDC or aged, blind, or disabled case were personally heard and handled by the commissioner. In the past 6 to 8 years, the request for hearings has dramatically increased and administrative officer positions necessarily have been established to handle this demand. It is no longer practical to have every fair hearing decision signed by the commissioner, as our present law requires. Not only is it inefficient use of the commissioner's time, it also delays the notification to the client, and may well be questionable from a legal standpoint when the commissioner did not personally hold the hearing but is rendering the decision. This will hold the Administrative Hearing Officer responsible for his decision. There is no conflict with pertinent federal regulations and no cost for implementation.