

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 2381

6  
7 S.P. 876

In Senate, March 27, 1984

8 Submitted by the Department of Business, Occupational and Professional  
9 Regulation pursuant to Joint Rule 24.

10 In Senate rules suspended read twice and passed to be engrossed without  
reference to the Committee. Sent down for concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Conley of Cumberland.

11 Cosponsor: Speaker Martin of Eagle Lake.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FOUR  
16

17 AN ACT to Authorize the Department of  
18 Business, Occupational and Professional  
19 Regulation to Hire Legal Counsel.  
20

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

23 10 MRSA §8002, sub-§2-A is enacted to read:

24 2-A. Legal representation. Notwithstanding Ti-  
25 tle 5, section 191, the commissioner may employ a  
26 chief counsel and such staff attorneys as may be nec-  
27 essary to act as counsel for the department and for  
28 the agencies within it, to serve at the pleasure of  
29 the commissioner and to be assigned by him to repre-  
30 sent the various agencies within the department. The  
31 chief counsel and staff attorneys may appear for any  
32 agency within the department in any civil action or  
33 proceeding brought by or against those agencies, and  
34 render legal services required by those agencies in  
35 matters relating to their official duties. The com-

1 missioner may request the assistance of the Attorney  
2 General, and this subsection shall in no way limit  
3 the authority of the Attorney General to formally in-  
4 tervene in matters pending before the agencies within  
5 the department.

6 STATEMENT OF FACT

7 This bill allows the Department of Business, Oc-  
8 cupational and Professional Regulation to hire its  
9 own legal counsel as do the Public Utilities Commis-  
10 sion, Public Advocate, Department of Transportation  
11 and perhaps other agencies which are unique or which  
12 have special needs.

13 To serve the public interest efficiently and con-  
14 sistently the department needs experienced legal  
15 counsel on hand. This bill requires no new funds and  
16 it preserves the Attorney General's statutory author-  
17 ity to intervene in matters pending before agencies  
18 within the department.

19 This department comprised as it is of over 2  
20 dozen autonomous agencies, i.e., the Bureaus of Bank-  
21 ing, Insurance and Consumer Credit Protection; 3 com-  
22 missions; athletic, real estate and running horse  
23 racing; and 18 licensing boards and numerous regis-  
24 tration functions, deals daily with the most amply  
25 represented interests in the State. Insurance, bank-  
26 ing, creditors and licensees' interests are  
27 invariably advocated by immediate ample and experi-  
28 enced legal counsel.

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