

MAINE STATE LEGISLATURE

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L.D. 1227

(Filing No. H- 328)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 883, L.D. 1227, Bill, "An Act to Amend the Maine Administrative Procedure Act"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §8051, as enacted by PL 1977, c. 551, §3, is amended to read:

§8051. Adoption of rules of practice

In addition to other rule-making requirements imposed by statute law, each agency shall adopt rules of practice governing the conduct of adjudicatory proceedings, licensing proceedings and the rendering of advisory rulings, except to the extent that such rules are provided by statute law. Any agency rule of practice which imposes a time period or deadline for the filing of any submission or for the service of any paper shall provide that filing or service is complete:

1. Upon an agency. Upon an agency, when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or

2. Upon a party. Upon a party, when the paper is mailed to the party or the party's attorney, upon in-hand delivery to the recipient or by delivery to the recipient's office.

Sec. 2. 5 MRSA §9051, sub-§3 is enacted to read:

3. Filing and service. The filing of any submission in any adjudicatory proceeding or the service of any paper on a party to an adjudicatory proceeding is complete:

A. Upon an agency when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or

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B. Upon a party upon mailing of the paper to the party or the party's attorney, upon in-hand delivery to the recipient or by delivery to the recipient's office.'

STATEMENT OF FACT

This amendment provides that the filing of any submission or service of any paper on a state agency is complete when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency.

Reported by the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the
House
5/30/89

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