

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1227

H.P. 883

House of Representatives, April 19, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PRIEST of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Maine Administrative Procedure Act.



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

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

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§8051. Adoption of rules of practice

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9 In addition to other rule-making requirements imposed by
statute law, each agency shall adopt rules of practice governing
11 the conduct of adjudicatory proceedings, licensing proceedings
and the rendering of advisory rulings, except to the extent that
13 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 on an agency or
15 on any other party shall provide that service is complete either:

17

1. Mailing. Upon mailing; or

19

2. Delivery. Upon delivery to an agency, a party or a
party's attorney either by in-hand delivery to the recipient or
21 by delivery to the recipient's office.

23

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

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

29

A. Upon mailing; or

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B. Upon delivery to an agency, a party or a party's
attorney either by in-hand delivery to the recipient or by
33 delivery to the recipient's office.

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STATEMENT OF FACT

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This bill clarifies when a filing of a submission or service
of a document is complete for rule-making and adjudicatory
41 proceedings conducted under the Maine Administrative Procedure
Act, Title 5, chapter 375. Service and filings will be complete
43 either upon mailing or upon delivery to a party, or to a party's
office. These provisions are modeled after those contained in
45 the Maine Rules of Civil Procedure.