

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1404

H.P. 1031

House of Representatives, March 20, 2003

An Act Concerning Representation of the State in Disclosure Hearings

(EMERGENCY)

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NORBERT of Portland.
Cosponsored by Senator PENDLETON of Cumberland.

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

4
6 **Whereas,** in order for the Department of the Attorney General
to more efficiently serve and represent the State, this
legislation needs immediate enactment; and

8
10 **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
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 4 MRSA §807, sub-§3, ¶L,** as amended by PL 1999, c.
18 139, §2, is further amended to read:

20 L. A person who is not an attorney, but who is representing
the Department of Agriculture, Food and Rural Resources in
22 accordance with Title 7, section 3909, subsection 2; ~~or~~

24 **Sec. 2. 4 MRSA §807, sub-§3, ¶M,** as enacted by PL 1999, c.
139, §3, is amended to read:

26 M. A law enforcement officer, as defined in Title 29-A,
28 section 101, subsection 30, who is not an attorney but who
is representing the State in the prosecution of a traffic
30 infraction, as defined in Title 29-A, section 101,
subsection 85, when representation in that matter has been
32 approved by the prosecuting attorney; ~~or~~

34 **Sec. 3. 4 MRSA §807, sub-§3, ¶N** is enacted to read:

36 N. A person who is not an attorney, but is representing the
State under section 807-A.

38
40 **Sec. 4. 4 MRSA §807-A,** as amended by PL 1997, c. 526, §14, is
further amended to read:

42 **§807-A. Representation by Bureau of Unemployment Compensation,**
44 **Department of the Attorney General or Bureau of Revenue**
 Services employees

46 Upon the promulgation of and in accordance with rules
adopted by the Supreme Judicial Court, employees of the Bureau of
48 Unemployment Compensation may serve civil process and represent
the bureau in District Court in disclosure proceedings pursuant
50 to Title 14, chapter 502, ancillary to the collection of taxes

2 and overpayments for which warrants have been issued pursuant to
Title 26, chapter 13.

4 Upon promulgation of and in accordance with rules adopted by
the Supreme Judicial Court, employees of the Bureau of Revenue
6 Services may serve civil process and represent the bureau in
District Court in disclosure proceedings pursuant to Title 14,
8 chapter 502, ancillary to the collection of taxes for which
warrants have been issued pursuant to Title 36, and may represent
10 the State Tax Assessor in arraignment proceedings in District
Court in cases in which a criminal complaint has been filed
12 alleging violation of Title 36, section 2113, 3234 or 5332.

14 Upon the promulgation of and in accordance with rules
adopted by the Supreme Judicial Court, employees of the
16 Department of the Attorney General may serve civil process and
represent the State in District Court in disclosure proceedings
18 pursuant to Title 14, chapter 502.

20 If the Supreme Judicial Court adopts rules under this
section, the rules must include the establishment of standards
22 and a method to certify employees of the Bureau of Unemployment
Compensation, the Department of the Attorney General and the
24 Bureau of Revenue Services who may represent the State in court
under this section as being familiar with court procedures.

26 **Emergency clause.** In view of the emergency cited in the
28 preamble, this Act takes effect when approved.

30
32 **SUMMARY**

34 This bill adds employees of the Department of the Attorney
General to the list of those who may serve civil process and
36 represent the State in District Court in disclosure proceedings,
along with the Department of Labor, Bureau of Unemployment
Compensation and the Department of Administrative and Financial
38 Services, Bureau of Revenue Services employees. The bill also
allows a person who is not an attorney to represent the State.