

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1754

S.P. 671

In Senate, December 30, 2005

An Act To Give the Commissioner of Health and Human Services Administrative Subpoena Authority

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee
on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to
Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOBBS of York.

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

4 **Sec. 1. 22 MRSA §50** is enacted to read:

6 **§50. Authority to issue administrative subpoenas**

8 The commissioner may issue subpoenas to compel the
10 production of books or records or other data related to the
12 matters in issue at any administrative hearing. The commissioner
14 may issue subpoenas to compel the attendance and testimony of any
16 person located within the State if it is reasonably believed that
18 that person may be able to provide information related to the
20 matters in issue at any administrative hearing. Witnesses
22 subpoenaed by the commissioner must be allowed the same fees as
are paid to witnesses in Superior Court. These fees must be paid
by the party requesting the issuance of the subpoena unless
payment is otherwise provided for by rule. If any person fails
or refuses to obey such a subpoena, the commissioner may apply to
any Justice of the Superior Court for an order compelling that
person to comply with the subpoena. The Superior Court may issue
an order and may punish failure to obey the order as civil
contempt.

24 **SUMMARY**

26 This bill gives the Commissioner of Health and Human
28 Services the authority to issue subpoenas in connection with
30 administrative hearings without having to obtain the approval of
the Attorney General.