

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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## Chapter 507

### AN ACT Establishing a Full-time Administrative Hearing Commissioner.

**Preamble.** Whereas, the workload of the part-time Administrative Hearing Commissioner has become too voluminous for efficient and expeditious adjudication on a part-time basis; and

Whereas, the establishing of a full-time Administrative Hearing Commissioner will result in more expeditious and efficient service to the tens of thousands of citizens governed by the Administrative Code and to the general public; and

Whereas, the present part-time Administrative Hearing Commissioner may assume the full-time responsibilities of the Administrative Hearing Commissioner; now, therefore,

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

**Sec. 1.** R. S., T. 5, § 2401, repealed and replaced. Section 2401 of Title 5 of the Revised Statutes, as amended by section 12 of chapter 476 of the public laws of 1967, is repealed and the following enacted in place thereof:

#### § 2401. Administrative Hearing Office

The Administrative Hearing Office, as heretofore established, shall be under the supervision of the Administrative Hearing Commissioner.

1. **Appointment of Administrative Hearing Commissioner.** The Administrative Hearing Commissioner, as heretofore appointed, may be appointed by the Governor, with the advice and consent of the Council. He shall hold office for a term of 7 years and until his successor has been appointed and qualified.

2. **Qualifications of Administrative Hearing Commissioner.** The Administrative Hearing Commissioner must be a member of the bar of the State. He shall devote full time to his judicial duties. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law.

3. **Salary.** The Administrative Hearing Commissioner shall receive an annual compensation of \$19,500. He shall be entitled to actual and necessary expenses in the performance of his duties. He may employ necessary clerical assistance.

4. **Hearing.** On receipt of a written complaint from an agency, the Administrative Hearing Commissioner shall conduct a hearing on the applicable facts and law and governed by the Administrative Code. He may subpoena and examine witnesses in accordance with chapters 301 to 307. He shall issue a written decision containing his findings of fact and conclusions of law in each case.

**Sec. 2. Appropriation.** There is appropriated from the General Fund the sum of \$20,735 to carry out the purposes of this Act. The breakdown shall be as follows:

	1969-70	1970-71
ADMINISTRATIVE HEARING OFFICE		
Personal Services	\$ 9,464	\$ 9,271
All Other	1,000	1,000
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	\$ 10,464	\$ 10,271

Effective October 1, 1969

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## Chapter 508

### AN ACT Revising the Maine Mining Law.

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

**Sec. 1.** R. S., T. 10, § 2101, repealed and replaced. Section 2101 of Title 10 of the Revised Statutes, as amended by section 1 of chapter 170 of the public laws of 1967, is repealed and the following enacted in place thereof:

**§ 2101. Establishment**

The Maine Mining Bureau, as heretofore established, shall consist of 7 members, one each from the State Departments of Agriculture, Forestry, Economic Development, Inland Fisheries and Game, Sea and Shore Fisheries and the Water and Air Environmental Improvement Commission, plus the State Geologist. The State Geologist, by virtue of his office, shall be the consultant to said bureau. The State Geologist shall act as administrator and recorder to keep the records of the meetings and activities of the bureau and to maintain all prospecting, development and mining records and data as shall be necessary to the bureau and the mining industry. The jurisdiction of the bureau shall extend to all onshore land and offshore substrata owned or held in trust by the State. The Mining Bureau shall have the power to make such reasonable rules and regulations as it may deem proper with respect to all sections of this subchapter, including safety and resource conservation.

**Sec. 2.** R. S., T. 10, §§ 2101-A - 2101-B, additional. Title 10 of the Revised Statutes is amended by adding 2 new sections 2101-A and 2101-B, to read as follows:

**§ 2101-A. Purpose**