

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth 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  
1971

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE  
**One Hundred and Fourth Legislature**

AT THE  
**SPECIAL SESSION**

January 6, 1970  
to  
February 7, 1970

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§ 1262. Uniform code of military justice applicable

Except as provided in chapters 121 to 139, the National Guard or other authorized state military or naval forces of the State of Maine shall at all times and in all places, and the unorganized militia shall whenever called into service, be governed by the current Uniform Code of Military Justice and Manual for Courts-martial, United States, 1957, as amended and in effect on January 1, 1965 as presently in effect in the national military establishment.

Effective May 9, 1970

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## Chapter 516

### AN ACT Relating to Disqualification of the Administrative Hearing Commissioner.

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

R. S., T. 5, § 2401, sub-§ 5, additional. Section 2401 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 507 of the public laws of 1969, is amended by adding a new subsection 5, as follows:

5. Disqualification of Administrative Hearing Commissioner. Whenever the Administrative Hearing Commissioner determines that he has a personal interest or a financial interest, directly or indirectly, in a case which is before him, or that he is related to a party or to counsel for a party, he shall disqualify himself from hearing an individual case. In such event he shall certify to the Chief Justice of the Supreme Judicial Court the name and nature of the case, the fact of his disqualification and the reasons therefor. A copy of the certification shall be filed in the docket of the case.

The Chief Justice shall approve or disapprove the disqualification of the Administrative Hearing Commissioner and shall give written notice of same to the Administrative Hearing Commissioner and to the parties to the action and shall file his approval or disapproval in the docket of the case.

If the Chief Justice approves the disqualification of the Administrative Hearing Commissioner, the moving party shall, within 10 days thereafter, commence an action by filing or refiling his complaint with any active or active retired Justice of the Supreme Judicial or Superior Court, who, sitting in the Superior Court, shall hear the case de novo and render a written decision thereon, in accordance with the provisions of the Administrative Code. An aggrieved party may appeal from the decision of said justice sitting in Superior Court to the Supreme Judicial Court, as in other civil cases.

Effective May 9, 1970