

# MAINE STATE LEGISLATURE

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## CHAPTER 307

## APPEALS

Sec.

2451. Procedure.

2452. To Supreme Judicial Court.

**§ 2451. Procedure**

Any party aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to appeal.

**1. Procedure.** The appeal must be instituted by filing a complaint in the Superior Court at Kennebec County within 30 days after service of the final decision of the Hearing Commissioner. Copies of the complaint must be sent to the Hearing Commissioner and to all other parties of record. No responsive pleading need be filed.

**2. Content of complaint.** The complaint must contain a concise statement of the grounds upon which the appellant contends he is entitled to relief, and shall demand the relief to which he believes himself entitled.

**3. Effect.** The filing of the complaint does not stay enforcement of the decision, but the Superior Court may order a stay upon such terms as it deems proper.

**4. Record.** Within 30 days after service of the complaint, or within such further time as the court may order, the Hearing Commissioner shall transmit to the Superior Court the original or certified copy of the entire record of the proceeding under review, but by stipulation of all parties to the appeal the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

**5. Additional evidence.** If, before the date set for hearing, application is made to the court for leave to present additional evidence to the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Hearing Commissioner, the court may order the additional evidence to be taken before the Hearing Commission-

er upon such conditions as the court deems proper. The Hearing Commissioner may modify his findings and decision by reason of the additional evidence and shall file with the Superior Court, to become a part of the record, the additional evidence, together with any modification or new findings or decision.

**6. Conducted by the court.** The appeal shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the Hearing Commissioner not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

**7. Decision of court.** The court may affirm, modify or reverse the decision of the Hearing Commissioner according to the applicable law, or may remand the case for further proceedings.

1961, c. 394, § 1; 1963, c. 412, § 14.

### § 2452. To Supreme Judicial Court

An aggrieved party may appeal from the decision of the Superior Court to the Supreme Judicial Court as in other civil cases.

1963, c. 412, § 15.

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