



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1103

S.P. 336

In Senate, March 15, 2011

An Act To Speed Recovery of Amounts Due the State

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator HASTINGS of Oxford.
Cosponsored by Representatives: MALONEY of Augusta, NASS of Acton.

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

2 **Sec. 1. 14 MRSA §3138** is enacted to read:

3 **§3138. Enforcement of administrative orders**

4 An administrative order of any agency or department requiring the payment of money
5 to that agency or department is enforceable through the Superior Court under the
6 following procedure. A certified copy of the administrative order must be filed with the
7 court in the county in which the administrative order was issued. The administrative
8 order must be accompanied by an affidavit from an authorized representative of the
9 agency or department or from an assistant attorney general acting as counsel for the
10 agency. The affidavit must state the facts showing that the agency or department
11 provided notice of and opportunity for a hearing to contest the claim, that all applicable
12 time periods for appeal have run and that the administrative order is final.

13 The court shall then render a pro forma decision in accordance with the
14 administrative order of the agency, which has the same effect as if it were rendered in an
15 action in which equitable relief is sought, duly heard and determined by the court. The
16 decision may thereafter be enforced as a money judgment pursuant to this chapter and
17 chapter 502-A.

18 **SUMMARY**

19 This bill clarifies the process by which administrative orders may be enforced by the
20 State in order to expedite the time frame in which administrative orders can be enforced
21 while preserving due process rights.