

129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1100

S.P. 332

In Senate, March 5, 2019

An Act To Allow Discovery in the Event of a Lawsuit against a State Agency

Reference to the Committee on Judiciary suggested and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator CARSON of Cumberland.

Cosponsored by Senators: CARPENTER of Aroostook, DAVIS of Piscataquis, LAWRENCE of York, MILLETT of Cumberland, Representatives: BRENNAN of Portland, TUCKER of Brunswick.

1	Be it enacted by the People of the State of Maine as follows:
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Sec. 1. 5 MRSA §11006, sub-§1, ¶A, as enacted by PL 1977, c. 551, §3, is
amended to read:

A. In the case of the failure or refusal of an agency to act or of alleged irregularities
in procedure before the agency which that are not adequately revealed in the record,
discovery may be conducted by the petitioner as permitted by the Maine Rules of
<u>Civil Procedure and</u> evidence thereon may be taken and determination made on the
<u>matter</u> by the reviewing court.

- 9 SUMMARY
- 10 This bill permits a petitioner under the Maine Administrative Procedure Act to 11 conduct discovery if any agency fails or refuses to act or there are alleged irregularities 12 that are not adequately revealed in the record of a proceeding.