

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 332 - L.D. 1100

**An Act To Clarify the Contents of the Complete Agency Record in the
Appeal of an Agency's Failure or Refusal To Act**

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

Sec. 1. 5 MRSA §11005, as enacted by PL 1977, c. 551, §3, is amended to read:

§11005. Responsive pleading; filing of the record

No responsive pleading need be filed unless required by order of the reviewing court. The agency shall file in the reviewing court within 30 days after the petition for review is filed, or within such shorter or longer time as the court may allow on motion, the original or a certified copy of the complete record of the proceedings under review. In the case of the alleged failure or refusal of an agency to act, the record must include written, electronic or otherwise memorialized communications, directives, orders and other documentation of all decisions by the agency to act, to refuse to act or to delay action. Within 20 days after the petition for review is filed, all parties to the agency proceeding who wish to participate in the review shall file a written appearance ~~which shall state that~~ states a position with respect to affirmance, vacation, reversal or modification of the decision under review.