

§9059. Record

1. Record. In an adjudicatory proceeding, the agency shall make a record consisting of:

A. All applications, pleadings, motions, preliminary and interlocutory rulings and orders; [PL 1977, c. 551, §3 (NEW).]

B. Evidence received or considered; [PL 1977, c. 551, §3 (NEW).]

C. A statement of facts officially noticed; [PL 1977, c. 551, §3 (NEW).]

D. Offers of proof, objections and rulings thereon; [PL 1977, c. 551, §3 (NEW).]

E. Proposed findings and exceptions, if any; [PL 1977, c. 551, §3 (NEW).]

F. The recommended decision, opinion or report, if any, by the presiding officer; [PL 1977, c. 551, §3 (NEW).]

G. The decision of the agency; and [PL 1977, c. 551, §3 (NEW).]

H. All staff memoranda submitted to the members of the agency or other presiding officers by agency staff in connection with their consideration of the case, except memoranda of counsel to the agency. [PL 1977, c. 551, §3 (NEW).]

[PL 1977, c. 551, §3 (NEW).]

2. Hearings recorded. The agency shall record all hearings in a form susceptible to transcription. Portions of the record as required and specified in subsection 1 may be included in the recording. The agency shall transcribe the recording when necessary for the prosecution of an appeal.

[PL 1977, c. 551, §3 (NEW).]

3. Record; copies. The agency shall make a copy of the record, including recordings made pursuant to subsection 2, available at its principal place of operation, for inspection by any person during normal business hours; and shall make copies of the record, copies of recordings or transcriptions of recordings available to any person at actual cost. Notwithstanding the provisions of this subsection, the agency shall withhold, obliterate or otherwise prevent the dissemination of any portions of the record which are made confidential by state or federal statute, but shall do so in the least restrictive manner feasible.

[PL 1977, c. 551, §3 (NEW).]

4. Decision on the record. All material, including records, reports and documents in the possession of the agency, of which it desires to avail itself as evidence in making a decision, shall be offered and made a part of the record and no other factual information or evidence shall be considered in rendering a decision.

[PL 1977, c. 551, §3 (NEW).]

5. Documentary evidence. Documentary evidence may be incorporated in the record by reference when the materials so incorporated are made available for examination by the parties before being received in evidence.

[PL 1977, c. 551, §3 (NEW).]

SECTION HISTORY

PL 1977, c. 551, §3 (NEW).

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