

STATE OF MAINE  
KENNEBEC, SS.

FEB 16

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-94-424

KAREN MANN,

Plaintiff

v.

COMMISSIONER, MAINE  
DEPARTMENT OF HUMAN  
SERVICES,

Defendant

FEB 17 1995  
CONSENT JUDGMENT

The parties, by and through their respective counsel, have consented to entry of the following Consent Judgment to dispose of all claims in this matter.

1. The Final Agency Action appealed from in this action is vacated.
2. Defendant shall promptly provide Plaintiff with an opportunity for a new de novo administrative hearing.
3. By June 30, 1995, the Defendant shall amend the Administrative Hearing Rules to provide that administrative subpoenas may be served by the person requesting them by sending a copy of the subpoena, plus the witness fee check, by first class mail to the individual to be subpoenaed. Service may also be made in any other way recognized by law.
4. By June 30, 1995, the Defendant shall handle the subpoenaing of witnesses for administrative hearings in the following manner:

a. Individuals who request an administrative hearing from the Defendant to contest any action in any public benefits program shall be informed, in writing, and in a timely manner, of the opportunity to have witnesses subpoenaed;

b. Individuals will be provided with a form to elicit the information necessary for the issuance of any subpoena, as well as any necessary witness fee check;

c. Upon issuance of the subpoena, and any necessary witness fee check, the individual requesting the subpoena shall be provided with the subpoena, the witness fee check and instruction sheet explaining how service may be obtained;

d. If the individual requests the presence of a current employee of the Department, and their proposed testimony is deemed relevant or necessary by either the Administrative Hearings Unit or the Attorney General's Office, then the Defendant will secure the presence of that employee without issuance of a subpoena;

e. If a person who was subpoenaed, or a State employee who was requested to attend the hearing, fails to attend the hearing, then the Hearing Officer may proceed with the hearing and then continue the hearing in order to secure the presence of any necessary witness;

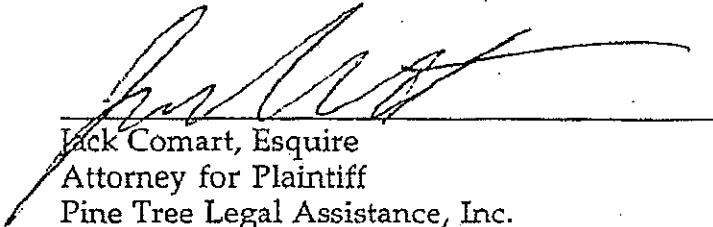
f. Upon the non-appearance of any subpoenaed witness or State employee the Defendant shall forward to the Office of the Attorney General a request to secure the presence of the named individual at the rescheduled hearing. The Office of the Attorney General shall then take all reasonable and necessary steps to secure the presence of the witness.

g. The notices and forms referred to above shall use clear and plain English which is understandable to the public benefit recipient. The notices and forms shall follow these guidelines:

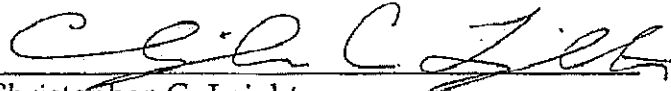
1. Sentences should be as short as possible;
2. Paragraphs should contain as few sentences as possible;
3. Words should have as few syllables as possible;
4. Sentences should use simple and active verbs;
5. The type should be readable, in at least 10-point type and the use of capitals should be avoided, except in headings;
6. The paragraphs and layout of the form or notice should be organized and set forth in a clear and coherent manner.

5. The Defendant shall promptly pay the Plaintiff's counsel the sum of \$500.00 in attorney fees.

Dated: 2-6-95, 1995.

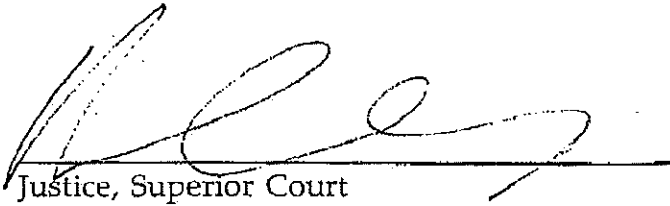
  
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Jack Comart, Esquire  
Attorney for Plaintiff  
Pine Tree Legal Assistance, Inc.  
39 Green Street, P.O. Box 2429  
Augusta, ME 04338-2429  
Tel. (207) 622-4731

Dated: 2-10-95, 1995.

  
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Christopher C. Leighton  
Assistant Attorney General  
Dir., Health & Institutional Services Unit  
State House Station #6  
Augusta, ME 04333-0006  
Tel. (207) 626-8800

IT IS SO ORDERED.

Dated: 2-14-, 1995.

  
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Justice, Superior Court