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Date: (Filing No. H-)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 766, L.D. 1031, “An Act To Create an Administrative Review Process for Hunting Violations”

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 12 MRSA §10657, sub-§4 is enacted to read:

4. Administrative penalties; mutually exclusive penalties. A person who violates this section may be subject to administrative penalties under section 10902-A, but a person who violates this section and receives an administrative penalty for that violation under section 10902-A is not subject to conviction or adjudication under this section for that violation.'

Amend the bill in section 2 in §10902-A by striking out all of subsection 1 (page 1, lines 14 to 28 in L.D.) and inserting the following:

'1. Initiation and notice. If the Game Warden Colonel delivers to the commissioner a written statement under oath that the Game Warden Colonel has probable cause to suspect that a person has violated section 10657 while hunting and the Game Warden Colonel has determined, after consultation with the district attorney having jurisdiction over that violation, that the person will not be charged with a crime or civil violation under that section, the commissioner immediately shall examine the statement and determine whether to conduct an adjudicatory proceeding for the purpose of imposing an administrative penalty under this section. If the commissioner determines that the imposition of a penalty is necessary, the commissioner shall, in accordance with Title 5, section 9052, immediately notify the person who is alleged to have violated section 10657. The provided notice under this subsection must state that the person may request a hearing in accordance with subsection 2 within 10 days of receipt of notice. Notice is deemed received 3 days after the mailing. If a person who has been notified pursuant to this subsection does not request a hearing within 10 days after receipt of notice, the commissioner may implement administrative penalties under subsection 3 without a hearing.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment makes 2 clarifying changes to the bill.

1. It replaces references to the director of the Bureau of Warden Service with references to the Game Warden Colonel.

2. It provides that the administrative process for license suspension created under the bill is initiated when the Game Warden Colonel determines, after consultation with the district attorney, that a person the Game Warden Colonel has probable cause to suspect has violated the law prohibiting trespassing while hunting will not be charged with that violation by the district attorney.