

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 4 in §6374 in subsection 1 in the 5th line (page 1, line 37 in L.D.) by inserting after the following: "determines" the following: 'based on a preponderance of the evidence'

Amend the bill in section 4 in §6374 in subsection 2 in the first line (page 2, line 4 in L.D.) by striking out the following: "3" and inserting the following: '10'

Amend the bill in section 4 in §6374 in subsection 2 in the 3rd line (page 2, line 6 in L.D.) by striking out the following: "3" and inserting the following: '10'

Amend the bill in section 4 in §6374 in subsection 2 in paragraph B in the 2nd line (page 2, line 13 in L.D.) by striking out the following: "one business day" and inserting the following: '10 business days'

Amend the bill in section 4 in §6374 by adding at the end the following:

‘6. Request for hearing on suspension length; place of hearing. The license or certificate holder may request a hearing regarding the length of suspension under this section. A hearing must be requested in writing within 10 days from the effective date of the suspension. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area.’

Amend the bill by adding after section 6 the following:

‘Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Office of the Commissioner 0258

Initiative: Provides an allocation to contract with the Department of the Secretary of State to conduct administrative hearings.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$5,625	\$5,625
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,625	\$5,625

SUMMARY

This amendment:

1. States that the Commissioner of Marine Resources' determination of whether a suspension without criminal conviction or civil adjudication is necessary must be based on a preponderance of the evidence;

2. Changes from 3 to 10 the number of business days within which a hearing must be held after the commissioner receives a request under the Maine Revised Statutes, Title 12, section 6374;

3. States that a hearing may be held more than 10, instead of 3, business days after the request if the delay is requested by the person requesting the hearing;

4. Adds that a license or certificate holder may request a hearing regarding the length of suspension within 10 days from the effective date of the suspension. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area; and

5. Adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)