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Date: (Filing No. S-)

MARINE RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 453, L.D. 1462, Bill, “An Act To Amend the Department of Marine Resources' Administrative Suspension Process”

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.

COMMITTEE AMENDMENT

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$5,625	\$5,625
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,625	\$5,625
5			

6 **SUMMARY**

7 This amendment:

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

11 2. Changes from 3 to 10 the number of business days within which a hearing must be
12 held after the commissioner receives a request under the Maine Revised Statutes, Title
13 12, section 6374;

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

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

20 5. Adds an appropriations and allocations section.

21 **FISCAL NOTE REQUIRED**

22 **(See attached)**