

Date:

(Filing No. S-)

MARINE RESOURCES

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

STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 549, L.D. 1319, “An Act to Amend the Law Regarding the Suspension of Licenses Issued by the Department of Marine Resources for Failure to Comply with Reporting Requirements”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §6412, sub-§1-B is enacted to read:

1-B. Process for suspension for failing to comply with daily reporting by harvesters of marine organisms that have daily reporting requirements. If the commissioner determines that an individual licensed or certified to fish for marine organisms under this Part has failed to comply with a daily reporting requirement established in rule adopted by the department pursuant to section 6173, the commissioner may notify the individual by e-mail at the e-mail address provided on the application for the license or certificate. If the individual has not complied with the reporting requirements within 2 days of the requirement to submit the report, the commissioner may mail a notice to the individual. The notice is deemed received 3 days after the mailing. The notice must:

A. Describe the information that the individual is required to provide that the department has not received; and

B. State that, unless all the information described in paragraph A is provided to the department or the individual requests a hearing, the license or certificate will be suspended 3 business days after the individual's receipt of the notice.

Notwithstanding subsection 4, if the individual has not complied with the reporting requirements or requested a hearing within 3 business days after receipt of the notice, the commissioner shall suspend the license or certificate.'

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

SUMMARY

This amendment makes the following changes to the process for license or certificate suspension for failing to comply with daily reporting requirements by harvesters of marine organisms established by the bill.

1. It changes the period of time a license or certificate holder has to comply with the reporting requirements before notice of suspension is mailed from 24 hours to 2 days.

2. It removes language that authorized the Commissioner of Marine Resources to serve the notice of suspension in hand.

3. It clarifies that the notice of suspension must state that a license or certificate will be suspended 3 business days after the license or certificate holder's receipt of the notice.

4. It changes from one calendar day to 3 business days the period of time a license or certificate holder has upon receipt of the notice of suspension to comply with the reporting requirements or to request a hearing before the license or certificate is suspended.

FISCAL NOTE REQUIRED

(See attached)