

**§184. Licensing and appellate actions**

**1. Notice and hearing.** In any action within the District Court's jurisdiction under section 152, subsection 9, all parties must be afforded an opportunity for hearing after reasonable notice. [PL 2001, c. 471, Pt. D, §6 (AMD).]

**2. Complaint filed.** On commencement of any case, a written complaint must be filed with the District Court. Except as provided in Title 22, section 1558, and Title 28-A, section 803, a copy of the complaint and summons must be served on the defendant either by personal delivery in hand, by leaving it with a person of suitable age or discretion at the defendant's dwelling place or usual place of abode or by sending it by certified mail to the defendant's last known address. If a summons is required, it must inform the defendant of the time limit for filing an answer to the complaint and the consequences of failing to do so. The complaint must contain a conclusion indicating the violation of a statute or rule, citing the statute or rule violated and stating the relief requested. [PL 2001, c. 471, Pt. D, §6 (AMD).]

**3. Witness sworn.** At the hearing, before any testimony is received, the presiding judge shall swear in the witness. [PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

**4. Official record.** The presiding judge shall prepare an official record, including testimony and exhibits, in each case but need not have a transcript of the testimony prepared unless required for rehearing or appeal. The record of the hearing may be taken by stenographic notes or by mechanical or electronic recording. [PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

**5. Disposition by agreement.** On approval of the presiding judge, disposition of any case may be made by agreement or consent decree. [PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

**6. Emergency proceedings.** The District Court has jurisdiction to revoke temporarily or suspend a license without notice or hearing upon the verified complaint or complaint accompanied by affidavits of a licensing agency or the Attorney General. The verified complaint or complaint accompanied by affidavits must demonstrate that summary action is necessary to prevent an immediate threat to the public health, safety or welfare. Upon issuance of an order revoking or suspending a license under this section, the District Court shall schedule a hearing on the agency's complaint. The hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. Any order temporarily suspending or revoking a license expires within 30 days of issuance unless renewed by the court after such hearing as it may determine necessary.

This subsection may not be considered to abridge or affect the jurisdiction of the Superior Court or District Court to issue injunctive relief or to exercise such other powers as may be authorized by law or rule of the court.

[PL 2011, c. 559, Pt. A, §3 (AMD).]

**7. Decisions.** After hearing, on default or by agreement of the parties, the District Court may suspend, revoke or modify the license of any party properly served with process or, if the applicable law so provides, the court may order issuance of a license to an applicant according to the terms of the applicable law. The District Court may take any other action with relation to the party that could have been taken before the enactment of former section 1155 by the agency involved in the hearing.

Every final decision of the District Court must be in writing or stated in the record and must include findings of fact and conclusions of law sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision must be delivered or promptly mailed to each party to the proceeding or their representatives of record. Written notice of the party's rights to

review of the decision and of the action required and the time within which that action must be taken in order to exercise the right of review must be given to each party together with the decision.

[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

**8. Fines.** Notwithstanding any other provisions of this chapter, the District Court may impose a fine of a specific sum, which may not be less than \$50 nor more than \$1,500 for any one offense or as may be provided by the statutes relating to the licensing question. Such a fine may be imposed instead of or in addition to any suspension, revocation or modification of a license by the court. Section 1057 applies to any fine imposed by this subsection.

[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

**9. Rules of procedure.** The Supreme Judicial Court may adopt, amend, repeal or modify rules governing the forms of complaints, pleadings and motions and the practice, procedure and evidence in and appeals from the District Court. The rules may not abridge or enlarge the substantive rights of any litigant. The rules must be filed with the Secretary of State in the manner required by Title 5, section 8056, subsection 1, paragraph B.

[PL 1999, c. 547, Pt. B, §10 (NEW); PL 1999, c. 547, Pt. B, §80 (AFF).]

#### SECTION HISTORY

PL 1999, c. 547, §B10 (NEW). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 471, §D6 (AMD). PL 2011, c. 559, Pt. A, §3 (AMD).

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