

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2001

H.P. 1417

House of Representatives, January 8, 2020

An Act To Create an Administrative Review Process for Hunting and Fishing Violations

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.
Cosponsored by Representative: MILLETT of Waterford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §10902-A** is enacted to read:

3 **§10902-A. Procedure for administrative action without criminal conviction or civil**
4 **adjudication**

5 **1. Initiation and notice.** If the director of the Bureau of Warden Service delivers to
6 the commissioner a written statement under oath that the director has probable cause to
7 suspect that a violation of section 10652 or 10657 has been committed by a person
8 holding a license or permit issued under this Part, the commissioner shall immediately
9 examine the affidavit and determine whether administrative action as set forth in
10 subsection 3 is necessary. If the commissioner determines based on a preponderance of
11 the evidence that administrative action is necessary, the commissioner shall immediately
12 notify in writing the person determined by the commissioner to be in violation of the law.
13 The notice must state that there is an opportunity for a hearing if the person requests the
14 hearing in writing within 10 days of the notice. The notice is deemed received 3 days
15 after the mailing. If a person who has been notified pursuant to this subsection does not
16 request a hearing within the allowed time, the commissioner may implement
17 administrative action in accordance with subsection 3.

18 **2. Hearing.** A hearing requested under subsection 1 must be held within 30 business
19 days after receipt by the commissioner of the request for hearing, except that a hearing
20 may be held more than 30 business days after the request if the delay is requested by the
21 person requesting the hearing. If the hearing is continued, it must be held no later than 60
22 days after the original notice, and any further continuance must be with the consent of
23 both parties. The hearing must be held in accordance with the Maine Administrative
24 Procedure Act, except that:

25 A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether
26 the person requesting the hearing had a license or permit and whether that person
27 committed a violation of section 10652 or 10657; and

28 B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under
29 Title 5, section 9062 must be made not more than 10 business days after completion
30 of the hearing.

31 If the presiding officer of the hearing finds that a violation of section 10652 or 10657 has
32 been committed, the presiding officer shall immediately notify the commissioner of the
33 finding.

34 **3. Administrative action.** Upon a determination under subsection 1 or notification
35 of a finding under subsection 2 that a violation of section 10652 or 10657 has been
36 committed:

37 A. For a first violation of section 10652 or 10657, the commissioner may order that,
38 notwithstanding any exemption from hunter safety course requirements contained in
39 section 11105 or any other law, the person must complete a hunter safety course or
40 other safety course designated by the commissioner;

