

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 701

H.P. 518

House of Representatives, February 14, 2003

An Act Regarding the Suspension of Licenses for Failure To Pay a Fine

Submitted by the Judicial Department pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington.
Cosponsored by Senator WOODCOCK of Franklin and
Senator: PENDLETON of Cumberland.

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

4 **Sec. 1. 10 MRSA §8005-A** is enacted to read:

6 **§8005-A. Licensees not in compliance with court-ordered fine,
fee or restitution; license qualifications and
conditions**

8
10 In addition to other qualifications for licensure or
registration and conditions for continuing eligibility to hold a
license as required by bureaus, boards and commissions within or
12 affiliated with the department, applicants for licensure or
registration, licensees renewing their licenses and existing
14 licensees may not hold any such license when there has been a
court-ordered suspension of that license as provided by Title 14,
16 sections 3141 and 3142.

18 **Sec. 2. 10 MRSA §8006**, as amended by PL 1995, c. 694, Pt. D,
20 §8 and affected by Pt. E, §2, is further amended to read:

22 **§8006. Licensees not in compliance with court
order of support and other court orders; enforcement of
parental support obligations and suspensions**

24 **1. Definitions.** As used in this section, unless the
26 context otherwise indicates, the following terms have the
following meanings.

28 A. "Board" means any bureau, board or commission listed in
30 section 8001 or 8001-A, other licensors that are affiliated
with or are a part of the department and the Board of
32 Overseers of the Bar.

34 B. "Compliance with a court order of support" means that
the support obligor is no more than 90 days in arrears in
36 making payments in full for current support, in making
periodic payments on a support arrearage pursuant to a
38 written agreement with the Department of Human Services or
in making periodic payments as set forth in a court order of
40 support and has obtained or maintained health insurance
coverage if required by a court order of support.

42 C. "Court order of support" means any judgment or order for
44 the support of dependent children issued by any court of the
State or another state, including an order in a final decree
46 of divorce or any judgment or order issued in accordance
with an administrative procedure established by state law
48 that affords substantial due process and is subject to
judicial review.

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2 D. "Court-ordered suspension" means a suspension by a court
3 of the right of a licensee to hold or apply for a
4 professional license based on the contempt procedures
5 pursuant to Title 14, sections 3141 and 3142.

6 **2. Noncompliance with court order of support.** An applicant
7 for the issuance or renewal of a license or an existing licensee
8 regulated by a board who is not in compliance with a court order
9 of support is subject to the requirements of Title 19-A, section
10 2201.

11 **3. Court-ordered suspension.** An applicant for the issuance
12 or renewal of a license or an existing licensee regulated by a
13 board who has not paid a court-ordered fine, court-appointed
14 attorney's fees or court-ordered restitution is subject to court
15 suspension of all licenses as provided in Title 14, sections 3141
16 and 3142. When the applicant or licensee pays the court-ordered
17 fine in full and a reinstatement fee of \$35, the license or right
18 to apply for a license must be reinstated.

19 **Sec. 3. 14 MRSA §3142,** as amended by PL 2001, c. 471, Pt. A,
20 §20, is further amended to read:

21 **§3142. Contempt hearing and punishment**

22 **1. Punishment.** Unless the defendant shows that failure to
23 pay a fine was not attributable to a willful refusal to obey the
24 order or to a failure on the defendant's part to make a good
25 faith effort to obtain the funds required for the payment, the
26 court may find the defendant in civil contempt and may impose
27 punishment, as the case requires, of:

28 A. A reasonable fine not to exceed \$500; or

29 ~~B. -- Imprisonment; or~~

30 C. The suspension of the right to apply for or possess any
31 license, certification, registration, permit, approval or
32 other similar document evidencing the granting of authority
33 to hunt, fish or trap or to engage in a profession,
34 occupation, business or industry, not including a
35 registration, permit, approval or similar document
36 evidencing the granting of authority to engage in the
37 business of banking pursuant to Title 9-B. Licenses and
38 registration subject to suspension include, but are not
39 limited to:

40 (1) Licenses issued by the Commissioner of Marine
41 Resources, as provided in Title 12, section 6409;

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2 (2) Licenses issued by the Commissioner of Inland
3 Fisheries and Wildlife, as provided in Title 12,
4 section 7077, subsection 1-C;

6 (3) Watercraft, snowmobile and all-terrain vehicle
7 registrations, as provided in Title 12, section 7077,
8 subsection 1-C; and

10 (4) Motor vehicle licenses or permits issued by the
11 Secretary of State, the right to operate a motor
12 vehicle in this State and the right to apply for or
13 obtain a license or permit, as provided in Title 29-A,
14 section 2605.

16 **2. Notification of issuing entity and person.** Upon
17 suspension of the person's license, certification, registration,
18 permit, approval or other similar document evidencing the
19 granting of authority to hunt, fish or trap or to engage in a
20 profession, occupation, business or industry, the court shall
21 notify the person and the issuing agency that the court has
22 ordered the suspension. The issuing agency shall immediately
23 record the suspension. The court shall immediately notify that
24 person by regular mail or personal service. Written notice is
sufficient if sent to the person's last known address.

26 **3. Purge of contempt.** The court shall provide an
27 opportunity for the defendant to purge the contempt by complying
28 with the court's order to pay or to an amended order to pay. The
29 provisions of the Maine Rules of Civil Procedure, Rule 66 and the
30 Maine Rules of Criminal Procedure, Rule 42 do not apply to
31 proceedings initiated under this section.

34 SUMMARY

36 Under current law, if a defendant in a civil or criminal
37 adjudication fails to pay a fine or any other costs or fees
38 assessed or imposed against the defendant, including appointed
39 counsel fees and restitution, the court may fine the defendant in
40 civil contempt and suspend any license, certification,
41 registration, permit, approval or other similar document
42 evidencing the granting of authority to hunt, fish or trap or to
43 engage in a profession, occupation, business or industry issued
44 by the State to the defendant.

46 This bill expands current law to allow the court to suspend
47 the right of the defendant to apply for a license or permit.
48 This bill limits the amount of the fine that may be imposed for
49 civil contempt to \$500 and specifies the manner in which the
50 notice of suspension must be provided to the defendant. A

2 defendant whose professional license has been suspended may have the license reinstated by paying the fine imposed by the court plus a fee of \$35.