

# MAINE STATE LEGISLATURE

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R.O.P.S.

Date: 5-31-11

(Filing No. S-190)

MARINE RESOURCES

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STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" 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**

R.O.F.S.

COMMITTEE AMENDMENT "A" to S.P. 453, L.D. 1462

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

**SUMMARY**

This amendment:

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

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

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

4. Adds that a license or certificate holder may request a hearing regarding the length of suspension 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; and

5. Adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 125th MAINE LEGISLATURE

LD 1462

LR 568(02)

## An Act To Amend the Department of Marine Resources' Administrative Suspension Process

Fiscal Note for Bill as Amended by Committee Amendment "A" *S-190*

Committee: Marine Resources

Fiscal Note Required: Yes

### Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$5,625	\$5,625	\$5,625	\$5,625

#### Correctional and Judicial Impact Statements

Increases the number of civil cases.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.

#### Fiscal Detail and Notes

The bill includes an Other Special Revenue Funds allocation to the Department of Marine Resources to contract with the Department of Secretary of State to conduct administrative hearings. Adequate funding from lobster trap tag sales exists within this account to cover this cost.