

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1525

H.P. 980

House of Representatives, April 5, 2023

An Act to Provide for Administrative Suspension of Licenses and Certificates Issued Under the Inland Fisheries and Wildlife Laws

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

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

ROBERT B. HUNT
Clerk

Presented by Representative LANDRY of Farmington.
Cosponsored by Senator BLACK of Franklin and
Representative: DILL of Old Town.

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

2 **Sec. 1. 12 MRSA c. 907, sub-c. 5** is enacted to read:

3 **SUBCHAPTER 5**

4 **ADMINISTRATIVE SUSPENSION**

5 **§10621. Administrative suspension without criminal conviction or civil adjudication**

6 The commissioner may suspend a license or certificate issued under this Part for a
7 violation of the inland fisheries and wildlife laws.

8 **1. Initiation and notice.** If the Game Warden Colonel delivers to the commissioner
9 a written statement under oath that the Game Warden Colonel has probable cause to suspect
10 that a violation of the inland fisheries and wildlife laws has been committed, the
11 commissioner shall immediately examine the affidavit and determine if a suspension is
12 necessary. If the commissioner determines based on a preponderance of the evidence that
13 a suspension is necessary, the commissioner shall immediately notify in writing the person
14 who violated the law or engaged in the conduct. The notice must state that there is an
15 opportunity for a hearing, if the person requests the hearing in writing within 10 days of
16 the notice. The notice is deemed received 3 days after the mailing. The commissioner may
17 suspend the license or certificate of a person who has been notified pursuant to this
18 subsection but who does not request a hearing within the allowed time.

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

26 A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether
27 the person requesting the hearing had a license or certificate and whether that person
28 committed a violation of the inland fisheries and wildlife laws; and

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

32 If the presiding officer of the hearing finds that a violation of the inland fisheries and
33 wildlife laws has been committed, the presiding officer shall immediately notify the
34 commissioner of the finding.

35 **3. Finding of violation and suspension.** The commissioner may suspend the license
36 or certificate of the person requesting the hearing under subsection 2 if the presiding officer
37 of the hearing finds that a violation of the inland fisheries and wildlife laws has been
38 committed. The commissioner may suspend any license or certificate for a period of time
39 not to exceed the maximum amount of time allowable for a criminal conviction or civil
40 adjudication of the same violation.

