

§6372. Procedure for suspending on refusal to allow inspection

Notwithstanding the Maine Administrative Procedure Act, the procedure for suspending a license for refusal to allow inspection or seizure under section 6306 or refusal to allow inspection under section 6852, subsection 2-A or section 6856 is as follows. [PL 2011, c. 598, §19 (AMD).]

1. Initiation and suspension. A marine patrol officer may deliver to the commissioner a written statement under oath that a person has refused to allow inspection or seizure under section 6306. The commissioner, on receipt of the affidavit, shall immediately notify the person in writing that the person's license has been suspended.
[RR 2021, c. 2, Pt. B, §50 (COR).]

2. Notice. The notice shall state that there is an opportunity for a hearing, if it is requested in writing within 10 days of the notice.
[PL 1977, c. 661, §5 (NEW).]

3. Hearing. Any hearing shall be held within 3 business days after receipt of the request for the hearing. A hearing may be held more than 3 business days after the request if the request states in writing that the delay was voluntarily requested by the license holder. The hearing shall be held in accordance with the following provisions of the Maine Administrative Procedure Act, Title 5, chapter 375:

A. Evidence, Title 5, section 9057, except the issues are limited to whether the licensee had a license and whether the licensee refused inspection; [PL 2009, c. 151, §4 (AMD).]

B. Notice, Title 5, section 9058; [PL 1977, c. 661, §5 (NEW).]

C. Record, Title 5, section 9059; [PL 1977, c. 661, §5 (NEW).]

D. Decisions, Title 5, section 9061, except the decision shall be made not more than one business day after completion of the hearing; and [PL 1977, c. 661, §5 (NEW).]

E. Presiding officer, Title 5, section 9062, subsections 3 and 4, except the presiding officer shall be the commissioner or deputy commissioner. [PL 1977, c. 661, §5 (NEW).]

[PL 2009, c. 151, §4 (AMD).]

4. Stay. Upon written request, the commissioner may delay the suspension pending the determination of the original hearing or the appeal, if the commissioner finds that suspension will cause undue hardship.
[RR 2021, c. 2, Pt. B, §51 (COR).]

5. Appeal. The decision of the commissioner may be appealed to the Superior Court, if it is filed with the court within 30 days of the decision.
[PL 1977, c. 661, §5 (NEW).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 541, §B15 (AMD). PL 2009, c. 151, §4 (AMD). PL 2011, c. 311, §2 (AMD). PL 2011, c. 598, §19 (AMD). RR 2021, c. 2, Pt. B, §§50, 51 (COR).

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