

[(2)] (3) If the Administration determines that there is a likelihood of substantial and immediate danger and harm to the licensee or others if the license is continued pending a hearing, the Administration:

(i) Immediately may suspend the license;

(ii) Within 7 days of a request for a hearing, shall grant the licensee a hearing as provided in Title 12, Subtitle 2 of this article; and

(iii) After the hearing, render an immediate decision as to whether or not it should continue the suspension or revoke the license.

(d) (1) [If a hearing is not requested, the Administration shall continue, modify, or extend the suspension of the license or revoke the license.] IF A LICENSEE FAILS TO APPEAR FOR A HEARING AFTER RECEIVING THE WRITTEN NOTICE UNDER SUBSECTION (C)(2) OF THIS SECTION, THE ADMINISTRATION MAY SUSPEND THE LICENSE UNTIL THE LICENSEE APPEARS FOR A HEARING.

(2) A RESCHEDULED HEARING SHALL BE HELD WITHIN 30 DAYS OF THE DATE OF THE REQUEST.

~~(E) AT A HEARING ON A SUSPENSION IMPOSED UNDER SUBSECTION (A)(2) OF THIS SECTION, THE ONLY ISSUES SHALL BE:~~

~~(1) WHETHER THE INDIVIDUAL WHOSE LICENSE IS PROPOSED FOR SUSPENSION IS THE INDIVIDUAL WHO FAILED TO ATTEND THE REQUIRED PROGRAM;~~

~~(2) WHETHER THE LICENSEE FAILED TO RECEIVE NOTICE OF THE SCHEDULED ASSIGNMENT; OR~~

~~(3) WHETHER AN EXTRAORDINARY AND UNAVOIDABLE CIRCUMSTANCE CAUSED THE INDIVIDUAL TO FAIL TO ATTEND THE REQUIRED PROGRAM.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992.

Approved May 12, 1992.

CHAPTER 221

(Senate Bill 112)

AN ACT concerning

Soft-Shell Clams – Hours and Manner for Taking

FOR the purpose of clarifying the authority of the Department of Natural Resources to adopt regulations governing the dates for taking, loading, and unloading soft-shell