

§6310-A. Appeal of license denial; Armed Forces or Coast Guard service

1. Appeal of license denial. A person who is denied a license for a limited entry fishery because that person does not meet the eligibility requirements due to service in the United States Armed Forces or the United States Coast Guard precluding that person from participating in the fishery may appeal to the commissioner under this section for a review of that license denial. A license may be granted by the commissioner under this section only if the person:

A. Documents that the person harvested the relevant species while in possession of a fishing license for that species within one year prior to entering the service; [PL 2013, c. 319, §2 (NEW).]

B. [PL 2017, c. 161, §1 (RP).]

C. Has not been dishonorably discharged from service; and [PL 2013, c. 319, §2 (NEW).]

D. Requests an appeal under this section within one year of discharge from service. [PL 2013, c. 319, §2 (NEW).]

[PL 2017, c. 161, §1 (AMD).]

2. Limited entry fishery. For purposes of this section, "limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system.

[PL 2013, c. 319, §2 (NEW).]

3. Appeals process. A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 1 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary.

[PL 2013, c. 319, §2 (NEW).]

4. Issuance on appeal. Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 1 are met. Decisions of the commissioner must be in writing.

[PL 2013, c. 319, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 319, §2 (NEW). PL 2017, c. 161, §1 (AMD).

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