

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1116

H.P. 799

House of Representatives, March 30, 1995

**An Act to Establish an Appeals Procedure for Certain Persons Denied  
Handfishing Urchin Licenses.**

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Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland.

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

2                   **Sec. 1. 5 MRSA §12004-G, sub-§27-B** is enacted to read:

4                   **27-B.**       Handfishing    Expenses        12 MRSA  
6 Marine        Urchin         Only            §6749-U  
Resources     License  
8                                Appeals  
                                  Committee

10                   **Sec. 2. 12 MRSA §6749-U** is enacted to read:

12                   **§6749-U. Special appeals for certain license denials**

14                    Notwithstanding section 6749-O, any person who held a valid  
16 handfishing sea urchin license after January 1, 1990 and applied  
for a license renewal before September 1, 1994, but had that  
18 application denied, may appeal that denial to the department in  
the manner set forth in this section.

20                    1. Timely filing. An appeal under this section must be  
22 filed before January 1, 1997.

24                    2. Appeals committee created. The Handfishing Urchin  
26 License Appeals Committee, as established in Title 5, section  
12004-G, subsection 27-B, is created to hear the appeals  
28 authorized under this section. The committee consists of 3  
persons as follows:

30                    A. The commissioner or an employee of the department  
designated by the commissioner to serve in the  
32 commissioner's place;

34                    B. An experienced licensed urchin diver appointed by the  
Governor; and

36                    C. A member of the joint standing committee of the  
38 Legislature having jurisdiction over marine resources,  
jointly appointed by the President of the Senate and the  
40 Speaker of the House of Representatives.

42                    Appointments to the Handfishing Urchin License Appeals Committee  
must be made within 30 days after the effective date of this  
44 subsection. Vacancies in the committee must be filled in the  
same manner as the original appointments within 30 days after the  
46 vacancy occurred.

48                    3. Decision of committee. The appeals committee created  
50 under subsection 2 has the authority to uphold the previous  
denial of a license or to direct the issuance of a license  
renewal. Licenses must be in compliance with section 6531.

2            4. Repeal. This section is repealed on January 1, 1999.

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### STATEMENT OF FACT

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8            This bill allows certain persons who formerly held  
handfishing urchin licenses to appeal denials of license renewals  
if they filed their applications for renewal before September 1,  
10            1994. The bill creates a 3-person committee to hear these  
appeals. This law is repealed on January 1, 1999, which is also  
12            the repeal date of the Maine Revised Statutes, Title 12, chapter  
623, subchapter II-C, article 3, which prohibits through 1998 the  
14            issuance of urchin licenses to persons not holding licenses the  
previous calendar year.