

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1454

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H.P. 1004

House of Representatives, April 18, 2017

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**An Act To Extend the Time for an Appeal of Limited Entry Fishing  
License Denial for Members of the Military**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative BATTLE of South Portland.

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

2 **Sec. 1. 12 MRSA §6310-A, sub-§1**, as enacted by PL 2013, c. 319, §2, is  
3 amended to read:

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

10 A. Documents that the person harvested the relevant species while in possession of a  
11 fishing license for that species within one year prior to entering the service;

12 ~~B. Has not served for more than 10 consecutive years since the most recent year in~~  
13 ~~which the person held a license;~~

14 C. Has not been dishonorably discharged from service; and

15 D. Requests an appeal under this section within one year of discharge from service.

16 ~~Notwithstanding paragraphs B and D, a license may be granted to a person pursuant to~~  
17 ~~this section who is actively serving in the United States Armed Forces or the United~~  
18 ~~States Coast Guard for a period of more than 10 consecutive years as long as the person~~  
19 ~~pays a license fee for each year beyond those 10 years.~~

20 **Sec. 2. 12 MRSA §6310-B** is enacted to read:

21 **§6310-B. Continued eligibility for lobster and crab fishing licenses following**  
22 **successful appeal**

23 A person who, upon appeal pursuant to section 6310-A, is issued a Class I, II or III  
24 lobster and crab fishing license shall submit landings data for the following 2 license  
25 years in accordance with rules adopted pursuant to section 6173. During the 2nd license  
26 year following the successful appeal in which that person holds a Class I, II or III lobster  
27 and crab fishing license, the person shall provide landings reports indicating a minimum  
28 of 50 landings days and sales of lobster to an individual licensed under section 6851  
29 during that license year. If a person fails to meet the requirements of this section, the  
30 person is no longer eligible for a Class I, II or III lobster and crab fishing license and the  
31 commissioner shall revoke the license.

32 **SUMMARY**

33 This bill eliminates the time limitation after which a military waiver of license denial  
34 is no longer available for a limited entry fishing license. It also requires that if a person  
35 who is denied a Class I, II or III lobster and crab fishing license because that person does  
36 not meet the eligibility requirements due to service in the military successfully appeals  
37 that denial, that person must submit landings data for the first 2 years in which that  
38 person holds a license. The person must demonstrate a minimum of 50 landings days and

1 sales of lobster to a wholesale seafood dealer or the person ceases to be eligible to obtain  
2 that fishing license.