

GEORGETTE CURRAN

v.

MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

Submitted on Briefs January 28, 2014
Decided February 4, 2014

Panel: ALEXANDER, LEVY, SILVER, MEAD, GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Georgette Curran appeals from a judgment entered in the Superior Court (Kennebec County, *Marden, J.*) affirming a decision of the Department of Inland Fisheries and Wildlife denying Curran a permit to possess koi fish. *See* 12 M.R.S. § 12509 (2013); M.R. Civ. P. 80C. We review “the administrative agency’s decision directly for legal errors, abuse of discretion, or unsupported factual findings,” giving “considerable deference” to the agency’s interpretation of “its own rules, regulations, or procedures.” *Forest Ecology Network v. Land Use Regulation Comm’n*, 2012 ME 36, ¶ 28, 39 A.3d 74; *see Sinclair Builders, Inc. v. Unemp’t Ins. Comm’n*, 2013 ME 76, ¶ 10, 73 A.3d 1061 (stating that, in questions involving the interpretation of statutes or regulations, “we defer to an agency in those areas within its expertise unless a statute or regulation compels a contrary result”).

Contrary to Curran’s contentions, evidence in the administrative record supports the Department’s factual findings, and the Department did not abuse its discretion in denying Curran a permit. *See* 12 M.R.S. § 12509; *Forest Ecology Network*, 2012 ME 36, ¶ 28, 39 A.3d 74 (“An abuse of discretion may be found where an appellant demonstrates that the decisionmaker exceeded the bounds of

the reasonable choices available to it, considering the facts and circumstances of the particular case and the governing law.”).

To the extent that Curran challenges the Department’s subsequent issuance of a temporary permit with conditions, we do not reach the parties’ arguments because the temporary permit has, according to the face of the permit, expired. The issue is therefore moot, and we conclude that no exception to the mootness doctrine applies. *See, e.g., Anthem Health Plans of Me., Inc. v. Superintendent of Ins.*, 2011 ME 48, ¶¶ 5, 8-10, 14, 18 A.3d 824.

The entry is:

Judgment affirmed.

On the briefs:

Georgette Curran, appellant pro se

Janet T. Mills, Attorney General, and Mark A. Randlett, Asst. Atty. Gen.,
Office of Attorney General, Augusta, for appellee Maine Department of
Inland Fisheries and Wildlife