

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 408

H.P. 300

House of Representatives, January 14, 1999

An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PINKHAM of Lamoine.
Cosponsored by Senator CASSIDY of Washington and
Representatives: DUGAY of Cherryfield, HONEY of Boothbay, JOY of Crystal, MACK of
Standish, STEDMAN of Hartland.

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

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4 **Sec. 1. 12 MRSA §6422, sub-§4**, as amended by PL 1997, c. 574, §§2 and 3, is further amended to read:

6 **4. Allowance for waivers.** Notwithstanding subsections 1 and 2, the commissioner may waive all or part of the practical lobster fishing experience component or the program length for a person before that person enters the apprentice program if the person documents that:

12 A. ~~Documents--to--the--commissioner--that--the~~ The person obtained practical lobster fishing experience as a sternman employed by the holder of a Class II or Class III license issued under section 6421;

16 B. ~~Documents--to--the--commissioner--that--the~~ The person obtained practical lobster fishing experience as a holder of a student license issued under section 6421; ~~or~~

20 E. ~~Documents--to--the--commissioner--that--the~~ The person obtained practical lobster fishing experience as an apprentice in the Monhegan Lobster Conservation Area pursuant to section 6475-;

26 F. A medical reason prevented that person from renewing a lobster and crab fishing license so as to meet the requirement of section 6421, subsection 5, paragraph A;

30 G. Service in the United States Armed Forces prevented that person from participating in the lobster fishery;

34 H. That person held a lobster and crab fishing license for at least 2 consecutive years in the last 10 years; or

36 I. At least 50% of that person's income came from harvesting lobsters in one of the previous 5 years. Income documents submitted pursuant to this paragraph are confidential records for the purposes of Title 1, section 402, subsection 3, paragraph A.

42 **5. Waiver review by advisory council.** The Marine Resources Advisory Council, established under section 6024, shall review each waiver request and recommend the commissioner either approve or deny the request before the commissioner renders a decision under subsection 4.

SUMMARY

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4 This bill provides 4 additional cases under which the
6 Commissioner of Marine Resources may grant a waiver from the
8 lobster apprenticeship program. A waiver may be granted when a
10 person documents: a medical reason for not renewing a lobster and
12 crab fishing license in the previous calendar year; that services
14 in the United States Armed Forces prevented that person from
16 participating in the lobster fishery; that the person held a
18 lobster and crab fishing license for at least 2 consecutive years
20 in the last 10 years; or that at least 50% of that person's
22 income came from harvesting lobsters in one of the previous 5
24 years.

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16 The bill also requires the Marine Resources Advisory Council
18 to review waiver requests and recommend approval or denial to the
20 Commissioner of Marine Resources.