

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1590

H. P. 1450

House of Representatives, May 8, 1981

(Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

Out of Order, Referred to the Committee on Marine Resources. Sent up for concurrence and Ordered Sent Forthwith.

EDWIN H. PERT, Clerk

Presented by Representative Crowley of Stockton Springs.

Cosponsors: Senator Brown of Washington and Senator Perkins of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Establishing a Voluntary Income Protection Program for Shellfish Harvesters.

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

12 MRS A c. 420-A is enacted to read:

CHAPTER 420-A

VOLUNTARY INCOME PROTECTION PROGRAM FOR

SHELLFISH HARVESTERS

§ 4691. Purpose

It is the policy of the State to provide reasonable assistance to Maine business people and to encourage natural resource conservation and development. Whereas paralytic shellfish poisoning prevents the harvesting of certain shellfish species from time-to-time and causes serious economic dislocation in coastal areas, it is the purpose of this chapter to establish a voluntary income protection program to assist shellfish harvesters.

§ 4692. Program establishment, rules

The commissioner shall establish a nonlapsing voluntary income protection fund for shellfish harvesters whose income is reduced by the temporary closing of shellfish harvesting areas because of the presence of paralytic shellfish poisoning. Contributions to the fund may be made by licensed shellfish harvesters, other persons and the State. Interest earned by the fund shall be credited to the fund. Moneys in the fund shall be used solely for the purposes of this chapter.

The commissioner shall promulgate necessary rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

§ 4693. Eligibility to participate in the program

Any person who is a licensed shellfish harvester and can demonstrate that more than 50% of his income is derived from shellfish harvesting may participate in the voluntary income protection plan, provided that he contributes, annually, by November 1st of the year next prior to the calendar year in which they are seeking income protection, an amount not less than \$150 nor more than \$250 as established by rule of the commissioner.

§ 4694. Payments from the fund

By January 1st of each year, the commissioner shall establish by rule the maximum amount, not to exceed \$1,200 annually, payable to any claimant.

By January 1st of each year, the commissioner shall establish by rule an amount, not less than \$75 nor more than \$150 weekly, payable to any claimant.

No payments may be made until the shellfish harvesting area closed by order of the commissioner has been closed for 14 days. The first weekly claim period shall begin on the 15th day following closure. Payments shall cease when the fund is depleted or when the shellfish harvesting area has been reopened.

§ 4695. Eligibility for payments from the fund

Any person participating in the plan shall be eligible for payment from the fund when:

1. Earned income. He provides information that he had not received or earned income in excess of \$75 in the week for which a claim is made; and

2. Harvesting of shellfish in closed area. He provides information that he harvests shellfish in the area closed.

§ 4696. Chapter repealed

This chapter is repealed on January 1, 1985. Any balance remaining in the fund shall revert to the General Fund.

STATEMENT OF FACT

Paralytic shellfish poisoning, preventing the harvesting of certain shellfish causes serious economic dislocation from time-to-time to many shellfish

harvesters. In 1980, approximately 1/4 of Maine's licensed shellfish harvesters applied for assistance under the Federal Disaster Unemployment Assistance Program. Over 700 persons received benefits totaling approximately \$250,000. It is unlikely that the federal program will be available to affected shellfish harvesters in the future. This bill provides for a modest voluntary income protection program for shellfish harvesters, based primarily on contributions made by the harvesters. The initial state appropriation provides a basis for establishing a fund for the program.

The appropriation for this legislation is included in the Part II budget which requests \$80,000 for the fund and \$20,000 for administration in fiscal year 1982-83.