

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 277

DATE: 5-13-03

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 220, L.D. 277, Bill, "An Act to Amend the Eligibility Requirements for a Lobster and Crab Fishing License"

Amend the amendment in section 1 in subsection 5-C by striking out all of paragraph B (page 1, lines 45 to 47 in amendment) and inserting in its place the following:

'B. If the applicant's zone has a waiting list, place that applicant at the end of that waiting list and behind any person in the apprentice program at the time the waiver is granted.'

Further amend the amendment in section 2 in that part designated "~~§6424.~~" in subsection 1 in the last line (page 2, line 32 in amendment) by inserting after the following: "period" the following: ': the first meeting must be held on the first Monday in February and the 2nd meeting must be held no later than 45 days after the first meeting'

Further amend the amendment in section 2 in that part designated "~~§6424.~~" in subsection 3 in the 4th line (page 2, line 47 in amendment) by inserting after the following "industry" the following: 'who may be former members of the joint standing committee of the Legislature having jurisdiction over marine resources matters who are not Legislators'

Further amend the amendment in section 2 in that part designated "~~§6424.~~" by inserting after subsection 3 the following:

'4. Procedure. The following procedure determines appeals pursuant to this section.'

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2 A. A person wishing to appeal pursuant to this section
3 shall submit an appeal explaining the extraordinary
4 circumstances and provide supporting documentation,
5 including proof of previous licensure. All appeals must be
6 submitted no later than 30 days prior to the meeting of the
7 committee on the first Monday in February for consideration
8 at that meeting.

9
10 B. The committee shall meet to consider all appeals
11 properly and timely filed pursuant to paragraph A. The
12 committee shall determine which appeals may be denied
13 without further action and those that merit further
14 examination. Each appellant must be notified of the action
15 of the committee regarding that appellant's appeal; if the
16 appellant's appeal is held over for further examination, the
17 appellant must be notified of the date of the next meeting
18 at which the appeal will be considered in full.

19
20 C. At the next meeting, described in paragraph B, the
21 committee shall meet to consider those appeals held over.
22 Each appellant must be allowed 20 minutes to present
23 evidence supporting the appeal.

24 D. The committee shall vote on the acceptance of an appeal
25 at the meeting held pursuant to paragraph C. The committee
26 shall recommend to the commissioner that the apprenticeship
27 requirement be waived only if the committee finds by a clear
28 and convincing standard that the appellant's failure to
29 renew the license was the result of extraordinary
30 circumstances. The committee shall notify the commissioner
31 of the recommendation of the committee on the same day as
32 the meeting.

33
34 E. The commissioner shall make a final determination
35 regarding recommendations of the committee made pursuant to
36 paragraph D within 72 hours of receipt of notice of
37 determination by the committee and promptly notify the
38 appellant of the commissioner's decision.

39 Notwithstanding Title 1, chapter 13, subchapter 1, meetings of
40 the committee are not public meetings.'

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SUMMARY

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This amendment does the following.

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47 1. It specifies that a person for whom the apprenticeship
48 requirement is waived by the Commissioner of Marine Resources
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HOUSE AMENDMENT

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 220, L.D.
277

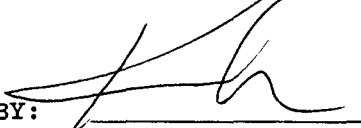
2 must be placed at the end of the waiting list for the lobster
fishing zone and behind any person currently in the apprentice
program.

4
6 2. It amends the membership of the Lobster License Appeal
Committee established in Committee Amendment "A" to allow former
Legislators who were members of the joint standing committee of
8 the Legislature having jurisdiction over marine resources matters
to be members of the Lobster License Appeal Committee.

10
12 3. It establishes the procedure that must be followed by a
person appealing to the Lobster License Appeal Committee and by
14 the committee, including the meeting dates, notice to the
appellant and the standard of proof that must be met by the
appellant.

16
18 4. It requires the Commissioner of Marine Resources to make
a final determination regarding the recommendation of the Lobster
License Appeal Committee within 72 hours of notice of the
20 decision of the committee.

22 5. It specifies that meetings of the Lobster License Appeal
Committee are not public meetings.

24
26
28 SPONSORED BY: 
(Representative MUSE)

30 TOWN: Fryeburg

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HOUSE AMENDMENT