

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 900

S.P. 295

In Senate, February 20, 2003

**An Act Regarding Eligibility for a License To Harvest Marine
Organisms for a Person Who Served in the United States Armed
Forces or United States Coast Guard**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SAVAGE of Knox.
Cosponsored by Representative McNEIL of Rockland.

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

2
3 **Sec. 1. 12 MRSA §6310, sub-§2, ¶A**, as enacted by PL 1999, c.
4 643, §1, is amended to read:

5 A. A Class I, Class II or Class III lobster and crab
6 fishing license may be issued to a person on appeal only if:

7
8 (1) A substantial illness or medical condition on the
9 part of the person or a family member prevented that
10 person from meeting the eligibility requirements for a
11 license in 1997, 1998 or 1999, and the person documents
12 that the person harvested lobsters while in possession
13 of a Class I, Class II or Class III lobster and crab
14 fishing license within one year prior to the onset of
15 the illness or medical condition. The person shall
16 provide the commissioner with documentation from a
17 physician describing the illness or other medical
18 condition. A person may not request an appeal under
19 this subparagraph after December 31, 2001;

20
21 (2) A substantial illness or medical condition on the
22 part of the person or a family member prevented that
23 person from meeting the eligibility requirements for a
24 license in licensing year 2000 or in subsequent years,
25 and the person documents that the person harvested
26 lobsters while in possession of a Class I, Class II or
27 Class III lobster and crab fishing license within one
28 year prior to the onset of the illness or medical
29 condition. The person shall provide the commissioner
30 with documentation from a physician describing the
31 illness or other medical condition. A person must
32 request an appeal under this subparagraph within one
33 year of the onset of the illness or medical condition;
34 or

35
36 (3) Service in the United States Armed Forces or the
37 United States Coast Guard precluded that person from
38 participating in the lobster fishery and meeting the
39 eligibility requirements for a license, and the person
40 documents that the person harvested lobsters while in
41 possession of a Class I, Class II or Class III lobster
42 and crab fishing license within one year prior to
43 entering the service or that the person held a Class I,
44 Class II or Class III lobster and crab fishing license
45 during that person's time in the service. ~~The person
46 may not have served for more than 6 consecutive years
47 since the most recent year in which the person held a
48 license, and the person must have been honorably
49 discharged from service.~~ A person must request an
50

2 appeal under this subparagraph within one year of
3 discharge being honorably discharged from service.
4 After a successful appeal, the discharged service
5 member is authorized to harvest lobsters in a zone of
6 the service member's choice regardless of zone
7 restrictions.

8 **Sec. 2. 12 MRSA §6431-F, sub-§2, ¶B**, as amended by PL 1999, c.
9 790, Pt. A, §12, is further amended to read:

10 B. If the license holder was issued a Class I, Class II or
11 Class III lobster and crab fishing license pursuant to
12 section 6421, subsection 5, paragraph H or former section
13 6421-A, subsection 1, paragraph D, the license holder may
14 not purchase more than 300 trap tags for the initial license
15 year. For each following year, the license holder may
16 purchase up to an increase of 100 trap tags each year as
17 long as the total number does not exceed the trap limit
18 established by rule for the zone in which the person fishes
19 a majority of that person's traps; and

22 **Sec. 3. 12 MRSA §6431-F, sub-§2, ¶C**, as amended by PL 1999, c.
23 643, §5, is further amended to read:

24 C. If the license holder was issued a Class I, Class II or
25 Class III lobster and crab fishing license on appeal, the
26 license holder may purchase for the initial license year a
27 number of trap tags up to the number of trap tags purchased
28 by the person for the most recent year in which the person
29 held a license if the person held a license in 1996 or later
30 or 300 trap tags if the person did not hold a license in
31 1996 or later. For each following year, the license holder
32 may purchase up to an increase of 100 trap tags each year.
33 The number of trap tags may not exceed the trap limit
34 established by rule for the zone in which the person fishes
35 a majority of that person's traps; and

38 **Sec. 4. 12 MRSA §6431-F, sub-§2, ¶D** is enacted to read:

40 D. Notwithstanding paragraph C, if the license holder was
41 issued a Class I, Class II or Class III lobster and crab
42 fishing license on appeal pursuant to section 6310,
43 subsection 2, paragraph A, subparagraph (3), the license
44 holder may not purchase more than 300 trap tags for the
45 initial license year. For each following year, the license
46 holder may purchase up to an increase of 100 trap tags each
47 year as long as the total number does not exceed the trap
48 limit established by rule for the zone in which the person
49 fishes a majority of that person's traps.

2 **Sec. 5. 12 MRSA §6446, sub-§7** is enacted to read:

4 **7. Exception.** Notwithstanding any rule adopted by the
6 commissioner, a person holding a Class I, Class II or Class III
8 lobster or crab fishing license issued pursuant to section 6310,
 subsection 2, paragraph A may request to fish in any lobster
 management zone regardless of any zone restrictions.

10 **Sec. 6. 12 MRSA §6448, sub-§8, ¶D** is enacted to read:

12 D. A person who is issued a Class I, Class II or Class III
14 lobster and crab fishing license on appeal pursuant to
 section 6310, subsection 2, paragraph A, subparagraph (3)
 may declare any zone as that person's declared lobster zone.

16
18 **SUMMARY**

20 This bill amends the eligibility requirements for the
22 issuance on appeal of a Class I, Class II or Class III lobster
24 and crab fishing license to a person who served in the United
26 States Armed Forces or the United States Coast Guard to include
28 that if a person held one of these licenses while in the service,
 that person is entitled to a license on a successful appeal. The
 bill also allows the service member who has won the appeal to
 choose a zone in which to fish regardless of the zone
 restrictions and to purchase not more than 300 trap tags for the
 first year with the normal increase of 100 trap tags per year up
 to the zone maximum limit of trap tags.