

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1009

H.P. 697

House of Representatives, March 12, 2009

An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Speaker PINGREE of North Haven.
Cosponsored by Senator DAMON of Hancock.

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

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

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

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

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

24 (3) Service in the United States Armed Forces or the United States Coast Guard
25 precluded that person from participating in the lobster fishery and meeting the
26 eligibility requirements for a license, and the person documents that the person
27 harvested lobsters while in possession of a Class I, Class II or Class III lobster
28 and crab fishing license within one year prior to entering the service. The person
29 may not have served for more than 6 consecutive years since the most recent year
30 in which the person held a license, and the person must have been honorably
31 discharged from service. A person must request an appeal under this
32 subparagraph within one year of discharge from service.

33 **Sec. 2. 12 MRSA §6421, sub-§5, ¶A,** as repealed and replaced by PL 1997, c.
34 250, §1 and affected by §10, is amended to read:

35 A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the
36 previous calendar year or fulfills the requirements of section 6310, subsection 2,
37 paragraph A, subparagraph (2);

38 **SUMMARY**

39 Current law requires that to be eligible for a lobster license, a person must have had a
40 lobster license in the previous year. An appeal of a denial of a license can be made to the
41 Commissioner of Conservation if the person did not have a license in the previous year

1 due to an illness or medical condition. This bill strikes the language that requires a
2 person to have had a license and make the appeal within one year of the onset of the
3 illness or medical condition.