

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 725

S.P. 214

In Senate, February 18, 2011

**An Act To Allow the Commissioner of Marine Resources To Use
Discretion in Reissuing Scallop Licenses**

(EMERGENCY)

Received by the Secretary of the Senate on February 18, 2011. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator RECTOR of Knox.
Cosponsored by Representative WEAVER of York and
Senators: LANGLEY of Hancock, ROSEN of Hancock, SNOWE-MELLO of Androscoggin,
TRAHAN of Lincoln, Representatives: DOW of Waldoboro, RICHARDSON of Warren,
TILTON of Harrington, VALENTINO of Saco.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** persons who held lobster and crab fishing licenses and handfishing sea
4 urchin licenses may have their licenses reissued upon appeal if they or their family
5 members have suffered a substantial illness or medical condition that prevented those
6 persons from meeting the eligibility requirements for those licenses; and

7 **Whereas,** persons who held hand fishing scallop licenses do not have this benefit;
8 and

9 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
10 period in order to allow persons to be reissued hand fishing scallop licenses before the
11 end of the scallop season; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 12 MRSA §6310, sub-§2, ¶C** is enacted to read:

18 C. A hand fishing scallop license may be issued to a person on appeal only if a
19 substantial illness or medical condition on the part of the person or a family member
20 prevented that person from meeting the eligibility requirements for that license and
21 the person documents that the person harvested scallops while in possession of the
22 same license within one year prior to the onset of the illness or medical condition.
23 The person shall provide the commissioner with documentation from a physician
24 describing the illness or other medical condition. A person must request an appeal
25 under this subparagraph within one year of the onset of the illness or medical
26 condition.

27 **Emergency clause.** In view of the emergency cited in the preamble, this
28 legislation takes effect when approved.

29 **SUMMARY**

30 This bill allows the Commissioner of Marine Resources the discretion of reissuing a
31 hand fishing scallop license to a person who did not meet the eligibility requirements for
32 that license because of a substantial illness or medical condition on the part of that person
33 or a family member.