

MAINE STATE LEGISLATURE

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Date: 2/28/18

L.D. 1720
(Filing No. H-616)

MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1200, L.D. 1720, Bill, "An Act To Amend the Law Regarding Temporary Medical Allowances for Lobster and Crab Fishing License Holders"

Amend the bill by striking out the title and substituting the following:

'An Act To Increase Flexibility in the Temporary Medical Allowance for Lobster and Crab Fishing License Holders'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 12 MRSA §6450, sub-§1, as enacted by PL 2013, c. 239, §9, is amended to read:

1. **Temporary medical allowance.** Notwithstanding section 6421, upon request the commissioner may issue a temporary medical allowance that permits an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder but not under the license holder's direct supervision if the following criteria are met:

- A. The individual who will be fishing has successfully completed an apprentice program under section 6422;
- B. The individual who will be fishing is the child or spouse of the individual who holds the Class I, Class II or Class III lobster and crab fishing license;
- C. The holder of the Class I, Class II or Class III lobster and crab fishing license is unable to use that license due to a substantial illness or medical condition. The holder of the Class I, Class II or Class III lobster and crab fishing license shall provide the commissioner with documentation from a physician describing the illness or other medical condition; and
- D. The holder of the Class I, Class II or Class III lobster and crab fishing license documents to the commissioner that the license holder harvested a minimum of 1,000

COMMITTEE AMENDMENT

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1 pounds of lobsters within one year prior to the request for the temporary medical
2 allowance.

3 ~~A temporary medical allowance may not exceed one year.~~ A request for a temporary
4 medical allowance must be in writing and must specify the dates for which the temporary
5 medical allowance is requested. The holder of the Class I, Class II or Class III lobster
6 and crab fishing license on which the temporary medical allowance is based must
7 maintain a valid license during the duration of the temporary medical allowance. The
8 holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the
9 activities of the individual fishing under the temporary medical allowance.

10 **Sec. 2. 12 MRSA §6450, sub-§§2 and 3** are enacted to read:

11 2. Term. A temporary medical allowance may not exceed one year or, upon renewal
12 under subsection 3, a total of 2 consecutive years.

13 3. Renewal. The commissioner may renew a temporary medical allowance issued
14 under subsection 1 for a maximum of one year upon a request in writing from the holder
15 of the Class I, Class II or Class III lobster and crab fishing license upon which the
16 temporary medical allowance is based. A request under this subsection must be received
17 by the commissioner before the expiration of a current temporary medical allowance
18 issued to that license holder.'

19

SUMMARY

20 This amendment replaces the bill. The amendment removes the provision of the bill
21 that extends the maximum duration of a temporary medical allowance for lobster and
22 crab fishing license holders from one year to 2 years and instead provides that the
23 Commissioner of Marine Resources may renew an existing temporary medical allowance
24 for up to one year upon application of the holder of the license upon which the allowance
25 is based. As with current law, the amendment provides that a temporary medical
26 allowance may not exceed one year, but the amendment provides that, upon renewal, the
27 temporary medical allowance may not exceed a total of 2 consecutive years.

28 The amendment removes the provisions of the bill that create a temporary terminal
29 illness medical allowance for lobster and crab fishing license holders diagnosed with a
30 terminal illness.