

MAINE STATE LEGISLATURE

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L.D. 340

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Date:

4/5/19

(Filing No. H- 70)

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MARINE RESOURCES

4

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

129TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 266, L.D. 340, Bill, "An Act To
10 Establish a Temporary Terminal Condition Medical Allowance for Lobster and Crab
11 Fishing License Holders"

12

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

13

**'An Act To Clarify the Temporary Medical Allowance Relating to Lobster and Crab
14 Fishing Licenses'**

15

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

17

'Sec. 1. 12 MRSA §6450, sub-§1, as amended by PL 2017, c. 352, §1, is further
18 amended to read:

19

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

24

A. The individual who will be fishing has successfully completed an apprentice
25 program under section 6422;

26

B. The individual who will be fishing is the child ~~or~~, spouse or domestic partner of
27 the individual who holds the Class I, Class II or Class III lobster and crab fishing
28 license;

29

C. The holder of the Class I, Class II or Class III lobster and crab fishing license is
30 unable to use that license, all or part of the time, due to a substantial illness or
31 medical condition. The holder of the Class I, Class II or Class III lobster and crab
32 fishing license shall provide the commissioner with documentation from a physician
33 describing the illness or other medical condition; and

34

D. The holder of the Class I, Class II or Class III lobster and crab fishing license
35 documents to the commissioner that the license holder harvested a minimum of 1,000

COMMITTEE AMENDMENT

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

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

10 **SUMMARY**

11 This amendment replaces the bill and changes the title. It clarifies that a lobster and
12 crab fishing license holder who has a substantial illness or medical condition and has
13 been granted a temporary medical allowance may continue to fish under the license as
14 long as the license holder does not fish concurrently with the individual authorized to fish
15 under the authority of that license holder through the temporary medical allowance. It
16 adds domestic partners to the list of individuals authorized to fish under this provision. It
17 also clarifies that the license holder is liable for the activities of the individual fishing
18 under the temporary medical allowance whether or not the license holder is present on the
19 vessel.

20 **FISCAL NOTE REQUIRED**

21 **(See attached)**



129th MAINE LEGISLATURE

LD 340

LR 5(02)

An Act To Establish a Temporary Terminal Condition Medical Allowance for Lobster and Crab Fishing License Holders

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-70)
Committee: Marine Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs incurred by the Department of Marine Resources as a result of changes to the rules regarding temporary medical allowances for lobster and crab fishing licensees are anticipated to be minor and can be absorbed within existing budgeted resources.