MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 340

H.P. 266

House of Representatives, January 24, 2019

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

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

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative McCREIGHT of Harpswell.

Cosponsored by Senator MOORE of Washington and

Representatives: FAULKINGHAM of Winter Harbor, HEPLER of Woolwich, HUTCHINS of Penobscot, PERRY of Calais, TUELL of East Machias, Senators: CARSON of Cumberland, MIRAMANT of Knox, VITELLI of Sagadahoc.

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

Sec. 1. 12 MRSA §6450-A is enacted to read:

§6450-A. Temporary terminal condition medical allowance

- 1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Health care professional" means a physician or physician assistant licensed under Title 32, chapter 36 or 48 or an advanced practice registered nurse licensed under and approved to practice as an advanced practice registered nurse under Title 32, chapter 31.
 - B. "Terminal condition" means an incurable and irreversible condition caused by injury, disease or illness that causes death within a reasonable period of time in accordance with accepted medical standards and for which the application of life-sustaining treatment serves only to prolong the process of dying.
 - **2.** Temporary terminal condition medical allowance. Notwithstanding section 6421, upon request the commissioner may issue a temporary terminal condition 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 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, spouse or domestic partner 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 has been diagnosed within the previous year with a terminal condition by at least one health care professional. The holder of the Class I, Class II or Class III lobster and crab fishing license shall provide the commissioner with written documentation of the diagnosis from a health care professional; 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 pounds of lobsters within one year prior to the request for the temporary terminal condition medical allowance.
 - A request for a temporary terminal condition medical allowance must be in writing and must specify the dates for which the temporary terminal condition medical allowance is requested. The holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary terminal condition medical allowance is based must maintain a valid license during the duration of the temporary terminal condition medical allowance. The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the activities of the individual fishing under the temporary terminal condition medical allowance.

- 3. Fishing and record-keeping requirements. The holder of a Class I, Class II or Class III lobster and crab fishing license may fish under the authority of the license notwithstanding the holder's having been issued a temporary terminal condition medical allowance under this section. The logbook required under section 6445 must document the fishing hours of the individual authorized to fish under this section and the fishing hours of the holder of the license. Only one person may fish under the authority of the license at any one time. The holder of the license on which the temporary terminal condition medical allowance is based shall submit the logbook to the commissioner before the allowance may be renewed or prior to December 31st of the year in which the allowance was issued, whichever is earlier.
- **4. Exclusivity.** The issuance of a temporary terminal condition medical allowance under this section does not affect a license holder's eligibility for a temporary medical allowance under section 6450.
- 5. Term; renewal. A temporary terminal condition medical allowance issued under this section may not exceed one year. The commissioner may renew a temporary terminal condition medical allowance upon a request in writing from the holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary terminal condition medical allowance is based.

19 SUMMARY

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This bill creates a temporary terminal condition medical allowance that allows 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 when the individual is the child, spouse or domestic partner of the license holder and has completed the lobster apprentice program and the license holder has been diagnosed with a terminal condition and harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary terminal condition medical allowance. The bill allows the license holder to continue to fish pursuant to the license despite having been issued an allowance but permits only one person, the license holder or the designated individual, to fish under the license at any one time. The temporary terminal condition medical allowance may not exceed one year in duration and may be renewed at the discretion of the Commissioner of Marine Resources.