

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 340

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H.P. 266

House of Representatives, January 24, 2019

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

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

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.

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

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

3 **§6450-A. Temporary terminal condition medical allowance**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Health care professional" means a physician or physician assistant licensed  
7 under Title 32, chapter 36 or 48 or an advanced practice registered nurse licensed  
8 under and approved to practice as an advanced practice registered nurse under Title  
9 32, chapter 31.

10 B. "Terminal condition" means an incurable and irreversible condition caused by  
11 injury, disease or illness that causes death within a reasonable period of time in  
12 accordance with accepted medical standards and for which the application of life-  
13 sustaining treatment serves only to prolong the process of dying.

14 **2. Temporary terminal condition medical allowance.** Notwithstanding section  
15 6421, upon request the commissioner may issue a temporary terminal condition medical  
16 allowance that permits an individual to fish under the authority of the license of a Class I,  
17 Class II or Class III lobster and crab fishing license holder if the following criteria are  
18 met:

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

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

23 C. The holder of the Class I, Class II or Class III lobster and crab fishing license has  
24 been diagnosed within the previous year with a terminal condition by at least one  
25 health care professional. The holder of the Class I, Class II or Class III lobster and  
26 crab fishing license shall provide the commissioner with written documentation of the  
27 diagnosis from a health care professional; and

28 D. The holder of the Class I, Class II or Class III lobster and crab fishing license  
29 documents to the commissioner that the license holder harvested a minimum of 1,000  
30 pounds of lobsters within one year prior to the request for the temporary terminal  
31 condition medical allowance.

32 A request for a temporary terminal condition medical allowance must be in writing and  
33 must specify the dates for which the temporary terminal condition medical allowance is  
34 requested. The holder of the Class I, Class II or Class III lobster and crab fishing license  
35 on which the temporary terminal condition medical allowance is based must maintain a  
36 valid license during the duration of the temporary terminal condition medical allowance.  
37 The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for  
38 the activities of the individual fishing under the temporary terminal condition medical  
39 allowance.

