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Legislative Document

No. 1720

H.P. 1200

House of Representatives, December 22, 2017

An Act To Amend the Law Regarding Temporary Medical Allowances for Lobster and Crab Fishing License Holders

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2017. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator VITELLI of Sagadahoc and
Representatives: BATTLE of South Portland, DEVIN of Newcastle, KUMIEGA of Deer Isle,
Senator: LANGLEY of Hancock.

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

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

3 **§6450. Temporary medical allowance**

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

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

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

13 C. The holder of the Class I, Class II or Class III lobster and crab fishing license is
14 unable to use that license due to a substantial illness or medical condition. The
15 holder of the Class I, Class II or Class III lobster and crab fishing license shall
16 provide the commissioner with documentation from a physician describing the illness
17 or other medical condition; and

18 D. The holder of the Class I, Class II or Class III lobster and crab fishing license
19 documents to the commissioner that the license holder harvested a minimum of 1,000
20 pounds of lobsters within one year prior to the request for the temporary medical
21 allowance.

22 A temporary medical allowance may not exceed ~~one year~~ 2 years. A request for a
23 temporary medical allowance must be in writing and must specify the dates for which the
24 temporary medical allowance is requested. The holder of the Class I, Class II or Class III
25 lobster and crab fishing license on which the temporary medical allowance is based must
26 maintain a valid license during the duration of the temporary medical allowance. The
27 holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the
28 activities of the individual fishing under the temporary medical allowance.

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

30 **§6450-A. Temporary terminal illness medical allowance**

31 **1. Temporary terminal illness medical allowance.** Notwithstanding section 6421,
32 upon request the commissioner may issue a temporary terminal illness medical allowance
33 that permits an individual to fish under the authority of the license of a Class I, Class II or
34 Class III lobster and crab fishing license holder if the following criteria are met:

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

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

1 C. The holder of the Class I, Class II or Class III lobster and crab fishing license has
2 been diagnosed within the previous year with a terminal illness by at least 2
3 physicians licensed in this State, one of whom is a physician who specializes in the
4 treatment of the illness diagnosed. The holder of the Class I, Class II or Class III
5 lobster and crab fishing license shall provide the commissioner with documentation
6 of the diagnosis from at least 2 physicians licensed in this State, including one who is
7 a physician who specializes in the treatment of the illness diagnosed; and
8 D. The holder of the Class I, Class II or Class III lobster and crab fishing license
9 documents to the commissioner that the license holder harvested a minimum of 1,000
10 pounds of lobsters within one year prior to the request for the temporary terminal
11 illness medical allowance.

12 A request for a temporary terminal illness medical allowance must be in writing and must
13 specify the dates for which the temporary terminal illness medical allowance is requested.
14 The holder of the Class I, Class II or Class III lobster and crab fishing license on which
15 the temporary terminal illness medical allowance is based must maintain a valid license
16 during the duration of the temporary terminal illness medical allowance. The holder of
17 the Class I, Class II or Class III lobster and crab fishing license is liable for the activities
18 of the individual fishing under the temporary terminal illness medical allowance.

19 **2. Fishing and record-keeping requirements.** The holder of the Class I, Class II or
20 Class III lobster and crab fishing license must be present on the vessel with the individual
21 authorized to fish under this section for at least half of the hours the individual spends
22 fishing under the authority of that license. The logbook required under section 6445 must
23 document fishing hours of the person authorized to fish under this section and whether
24 the holder of the Class I, Class II or Class III lobster and crab fishing license was present
25 on the vessel during those hours. The holder of the license on which the temporary
26 terminal illness medical allowance is based shall submit the logbook to the commissioner
27 before the allowance may be renewed or prior to December 31st of the year in which the
28 allowance was issued, whichever is earlier.

29 **3. Exclusivity.** The issuance of a temporary terminal illness medical allowance
30 under this section does not affect a license holder's eligibility for a temporary medical
31 allowance under section 6450.

32 **4. Term; renewal.** A temporary terminal illness medical allowance may not exceed
33 one year. The commissioner may renew a temporary terminal illness medical allowance
34 up to 2 times upon a request in writing from the holder of the Class I, Class II or Class III
35 lobster and crab fishing license on which the temporary terminal illness medical
36 allowance is based.

37 **SUMMARY**

38 This bill extends the maximum duration of a temporary medical allowance for lobster
39 and crab fishing license holders from one year to 2 years.

40 The bill also creates a temporary terminal illness medical allowance that allows an
41 individual to fish under the authority of the license of a Class I, Class II or Class III

1 lobster and crab fishing license holder when the individual is a spouse or child of the
2 license holder and has completed the lobster apprentice program and the license holder
3 has been diagnosed with a terminal illness and harvested a minimum of 1,000 pounds of
4 lobsters within one year prior to the request for the temporary terminal illness medical
5 allowance. The bill requires the license holder to be present on the vessel for at least half
6 of the hours during which the individual is fishing under the authority of the license on
7 which the temporary terminal illness medical allowance is based. The temporary terminal
8 illness medical allowance may not exceed one year in duration and may be renewed up to
9 2 times.