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Date: (Filing No. S- )

**MARINE RESOURCES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**131ST LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 391, L.D. 920, “An Act to Allow Holders of Elver Fishing Licenses to Fish on Behalf of Other Elver Fishing License Holders”

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

**'An Act Regarding Temporary Transfers of Elver Fishing Quotas for Medical Reasons'**

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

**'Sec. 1. 12 MRSA §6575-L, sub-§1**, as corrected by RR 2015, c. 1, §5, is amended to read:

**1. Temporary medical transfer requested ~~prior to March 1st~~**. Notwithstanding section 6505-A, subsection 3-A, the commissioner may authorize a temporary medical transfer that permits the holder of an elver fishing license issued under section 6505-A to transfer the ~~entire~~ remaining annual quota allocated to that person at the time the request is made to another person holding an elver fishing license issued under section 6505-A if the following criteria are met:

- A. The transferor reported elver landings in the prior fishing year; and
- B. The transferor is unable to fish the quota allocated to the transferor because the transferor has experienced a substantial illness or medical condition. The transferor shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition; ~~and,~~
- ~~C. The transferor requests a temporary medical transfer in writing before March 1st of the fishing year for which it is being requested, except that the commissioner may adopt rules that provide a method for authorizing a temporary medical transfer requested after March 1st to address emergency medical conditions.~~

The commissioner may adopt rules that provide that a transferor may choose to retain the income and tax burden from the sale of the transferor's transferred quota or that the

**COMMITTEE AMENDMENT**

1 transferor may choose to allow the license holder receiving the transferor's quota to retain  
2 the income and assume the tax burden of the sale of the transferred quota.

3 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
4 chapter 375, subchapter 2-A.'

5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
6 number to read consecutively.

7 **SUMMARY**

8 This amendment replaces the bill and changes the title. The amendment allows for an  
9 elver fishing license holder to request a temporary medical transfer of that license holder's  
10 quota at any point during the year and that the license holder receiving the transferred quota  
11 receives the amount of the transferor's quota that remains at the time the request is made.  
12 The amendment also provides that the Commissioner of Marine Resources may adopt rules  
13 that allow for a transferor to choose whether the transferor retains the income and tax  
14 burden from the transferor's transferred quota or whether it is transferred to the license  
15 holder receiving the quota.

16 **FISCAL NOTE REQUIRED**

17 **(See attached)**