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An Act To Allow Lobster License Exemptions to Persons with Certain Medical Criteria

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

Sec. 1. 12 MRSA §6310, sub-§2, ¶A, as enacted by PL 1999, c. 643, §1, is amended to read:

A. A Class I, Class II or Class III lobster and crab fishing license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in 1997, 1998 or 1999, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person may not request an appeal under this subparagraph after December 31, 2001;

(2) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in licensing year 2000 or in subsequent years, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition; ~~or~~

(3) Service in the United States Armed Forces or the United States Coast Guard precluded that person from participating in the lobster fishery and meeting the eligibility requirements for a license, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to entering the service. The person may not have served for more than 6 consecutive years since the most recent year in which the person held a license, and the person must have been honorably discharged from service. A person must request an appeal under this subparagraph within one year of discharge from service.; ~~or~~

(4) That person was diagnosed with muscular dystrophy between 1983 and 1988 and that person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the diagnosis but has not held a Class I, Class II or Class

III lobster and crab fishing license since the year following that person's diagnosis with the disease. The person must provide the commissioner with documentation from a physician of the diagnosis of muscular dystrophy and a statement from a physician that the person is currently physically capable of safely conducting the activities involved with the commercial harvest of lobsters. A person that receives a Class I, Class II or Class III lobster and crab fishing license pursuant to this subparagraph is limited to 300 trap tags and those trap tags expire when the person is no longer eligible to hold the license and may not be counted in an exit ratio system for a lobster management zone. This subparagraph is repealed October 1, 2010.

Sec. 2. 12 MRSA §6421, sub-§5, ¶A, as repealed and replaced by PL 1997, c. 250, §1 and affected by §10, is amended to read:

A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year or fulfills the requirements of section 6310, subsection 2, paragraph A, subparagraph (4);

Sec. 3. Repeal. This Act is repealed October 1, 2010.

Effective September 12, 2009