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An Act To Allow the Commissioner of Marine Resources To Use Discretion in Reissuing Scallop Licenses

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, persons who held lobster and crab fishing licenses and handfishing sea urchin licenses may have their licenses reissued upon appeal if they or their family members have suffered a substantial illness or medical condition that prevented those persons from meeting the eligibility requirements for those licenses; and

Whereas, persons who held hand fishing scallop licenses do not have this benefit; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to allow persons to be reissued hand fishing scallop licenses before the end of the scallop season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6310, sub-§2, ¶C is enacted to read:

C. A hand fishing scallop license may be issued to a person on appeal only if 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 that license and the person documents that the person harvested scallops while in possession of the same 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.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill allows the Commissioner of Marine Resources the discretion of reissuing a hand fishing scallop license to a person who did not meet the eligibility requirements for that license because of a substantial illness or medical condition on the part of that person or a family member.