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An Act To Encourage Fishing for Individuals with Disabilities

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

Whereas, this legislation must take effect immediately so that persons with disabilities who need assistance to fish can get that assistance from a caregiver during this fishing 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 §10853, sub-§10, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

10. Persons with developmental disabilities. A complimentary license to fish must be issued to any person with ~~mental retardation~~ a developmental disability, as defined in Title 34-B, ~~section 50015, section 19503, subsection 3,~~ upon application to the commissioner when that application is accompanied by a statement signed by the person's physician that states that the applicant's functional limitations substantially limit that person's ability to fish independently. ~~The application must be accompanied by certified evidence that the applicant meets the defined condition.~~ This complimentary license remains effective for the life of the license holder, if the license is not revoked or suspended.

Sec. 2. 12 MRSA §10853, sub-§15 is enacted to read:

15. Assisting a person with disabilities. The commissioner may allow a licensee who has received a complimentary fishing license under subsection 2, 3, 4, 7, 10 or 12 to have a person accompany and assist that licensee in fishing. The person accompanying and assisting the holder of a complimentary fishing license as provided in this subsection may do so without obtaining a separate fishing license. This subsection does not authorize the person accompanying and assisting the licensee to assist that licensee with more than one fishing rod and reel. The person accompanying and assisting the licensee must remain within the immediate proximity of the licensee while that licensee is fishing.

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

Effective June 15, 2011.