

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date October 7, 1976

Maine Guide Licenses
12 M.R.S.A. § 2053
words phrases "guide"

To Maynard F. Marsh, Commissioner

Dept. Inland Fisheries and Wild Life

From Cabanne Howard, Assistant

Dept. Attorney General

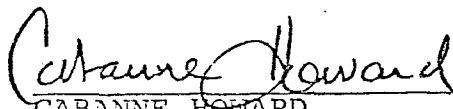
Subject Requirement that persons ferrying hunters be licensed Maine guides

Senator Howard Trotzky has asked our office, on behalf of a constituent, Mr. Warren A. Ricker, whether a person who operates a ferry on the Appalachian Trail which from time to time conveys hunters, campers and fishermen is a "guide" within the meaning of 12 M.R.S.A. § 2053, and is therefore required to obtain a Maine Guide License. On August 20, Deputy Commissioner Peppard had advised Mr. Ricker that if his ferry was transporting people in connection with hunting, fishing or camping activities, he would be required to obtain a license.

This memorandum is to advise you that our office would disagree with this reading of the statute. Section 2053 provides, in pertinent part, that:

"A guide is any person who receives any form of remuneration for his services in accompanying or assisting any hunter or camper. . . on the waters . . . of the state or any fisherman . . . on the inland waters of the state."

This definition, which contributes to the definition of a criminal offense, must be read narrowly to exclude persons who are engaged fundamentally in the business of transportation (such as taxi or bus drivers or ferryboat operators) but who may number among their customers hunters, campers or fishermen. The intention of the statute appears to have been to insure that persons who "guide," that is direct people on the scene as to how to hunt, camp, or fish, be qualified to do so, so as to protect Maine hunters, campers and fishermen from paying for unreliable advice. It is hard to see how a ferryboat operator, who merely transports people to a fixed destination for hire, could pose such a danger. Thus, it would appear that to the extent that such a person is confining himself to that function, and is not in any way offering advice as to hunting, camping or fishing, he should not be considered a "guide" for purposes of this statute.


CABANNE HOWARD
Assistant Attorney General

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