

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1154

S. P. 374

In Senate, March 13, 1979

Referred to the Committee on Fisheries and Wildlife. Sent down for concurrence and ordered printed.

Presented by Senator Pray of Penobscot.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Statutory Requirements for Issuance of Maine Guides Licenses.

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

Sec. 1. 12 MRSA § 2053, 3rd, 4th, 5th and 6th paragraphs, as amended, are further amended to read:

Any person wishing to be licensed as a Maine guide after January 1, ~~1970~~ 1980 shall submit an application on such forms as the commissioner may provide. After receipt of such application, the commissioner ~~may~~ shall require the applicant to appear before a ~~board of examiners~~ **designee of the commissioner** to ~~determine the applicant's qualifications complete and pass an examination as directed by the board of examiners.~~

A board of examiners for the licensing of guides shall consist of the commissioner or such subordinate officer of the department as the commissioner may designate, 2 wardens of the Department of Inland Fisheries and Wildlife and a representative of the public to be appointed by the Governor for a term of 3 years. The public member shall receive no compensation, but shall be reimbursed by the department for actual expenses incurred in carrying out his duties, at the same rate as provided for state employees. ~~Hearings will~~ **Examinations shall** be held in areas designated by the commissioner and all area applicants shall be

notified of time and place at least 2 weeks prior to the hearing. **The board of examiners shall make such rules pertaining to the licensing of guides as it deems necessary.**

The commissioner, upon receipt of the recommendation of ~~the board of examiners~~ **his designee**, may license such persons as a general guide or a specialized guide and said commissioner may, at his discretion, change the classification of guides from one class to another.

Guides shall be restricted in the use of ~~motorboats~~ **watercraft** while guiding on such waters as the commissioner may prescribe. Guides holding a valid USCG license to carry passengers for hire or a valid superior USCG license may use ~~a motorboat~~ **watercraft** for guiding on such Maine coastal waters as permitted by the above-mentioned USCG licenses and on all inland waters of the State. Guides holding a valid license to operate ~~a motorboat~~ **watercraft** carrying passengers for hire issued by the Bureau of Watercraft Registration and Safety may use ~~a motorboat~~ **watercraft** for guiding on all inland waters of the State, except as prohibited by section 665.

Sec. 2. 12 MRSA § 2053, as amended by PL 1977, c. 694, § 256, is further amended by adding after the 6th paragraph, a new paragraph to read:

A guide whose license is not suspended or revoked may renew that license annually upon the payment of the \$32 fee. Completion and passage of the guide's examination is not a requirement for renewal.

Sec. 3. 12 MRSA § 2053, as amended by PL 1977, c. 694, § 256, is further amended by adding before the last paragraph, a new paragraph to read:

The commissioner shall not revoke the suspension of any guide's license unless that guide again completes and passes the guide's examination.

Sec. 4. 12 MRSA § 2053, last paragraph, as repealed and replaced by PL 1969, c. 241, § 2, is amended to read:

Any person who guides without first having procured a license to do so from the commissioner shall be subject to a ~~fine~~ **civil forfeiture** of not less than ~~\$50~~ **\$100** and each day that he so guides shall constitute a separate ~~offense~~ **violation**.

STATEMENT OF FACT

This bill clarifies the procedures for the issuance of Maine guides licenses.