

MAINE STATE LEGISLATURE

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(New Draft of H.P. 40, L.D. 45)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1149

H.P. 897

House of Representatives, March 10, 1983

Reported by Representative Jacques from the Committee on Fisheries and Wildlife and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT Pertaining to the Licensing of
Guides.

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

Sec. 1. 12 MRSA §7301, sub-§1-A, as enacted by PL 1979, c. 543, §26, is amended to read:

1-A. Rules. The board of examiners shall make such rules pertaining to the licensing of guides as it deems necessary, including safety standards to provide the clients of guides reasonable protection from hazards.

Sec. 2. 12 MRSA §7301, sub-§3, as repealed and replaced by PL 1979, c. 543, §26, is repealed and the following enacted in its place:

1 3. Application. Any person wishing to be li-
2 icensed as a Maine guide shall submit an application
3 on such forms as the commissioner may provide.

4 In addition to other relevant information, the com-
5 missioner may require statements that the applicant
6 is competent; has no habitual intemperence in the use
7 of alcohol, habitual use of narcotic, hypnotic or
8 other drugs listed as controlled substances by the
9 Drug Enforcement Administration; and has not received
10 and retained a fee from a party and then failed to
11 meet that party as agreed or failed to provide the
12 services agreed to.

13 The commissioner may adopt rules to establish stan-
14 dards of competency which shall be provided to each
15 applicant and other rules necessary to administer
16 this subsection.

17 Failure or refusal to satisfactorily answer any ques-
18 tion in the application shall be a basis for denying
19 the application.

20 The board shall act on all applications within 5
21 working days of receipt, and shall notify all appli-
22 cants at least 2 weeks prior to the examination.

23 Sec. 3. 12 MRSA §7301, sub-§4, as repealed and
24 replaced by PL 1979, c. 543, §26, is amended to read:

25 4. Examinations. All persons who have not held a
26 guide's license prior to January 1, 1980, shall be
27 required to pass an examination as directed by the
28 board of examiners. Examinations shall be held in
29 areas designated by the commissioner.

30 In addition, the commissioner may require any li-
31 icensed guide to be examined or reexamined if the com-
32 missioner receives written complaint and upon inves-
33 tigation believes that the statements made by the
34 applicant on his application are no longer true.

35 Sec. 4. 12 MRSA §7301, sub-§7-A, as enacted by
36 PL 1979, c. 543, §26, is amended to read:

37 7-A. Renewal. A guide whose license is not sus-
38 pending or revoked may renew that license annually

1 person. This new draft contains a more specific re-
2 quirement that the application for a license to guide
3 contain a statement that the applicant is competent
4 and has no drug or alcohol habituation and has not
5 received and retained fees from a party which he
6 failed to meet as agreed. This new draft requires an
7 examination for any guide about whom the commissioner
8 has received a written complaint which, upon investi-
9 gation, he believes indicates that the guide may not
10 meet the standards required of an applicant. This
11 new draft requires the commissioner to adopt rules
12 regarding the safe use of nonmotorized watercraft
13 when used by a guide to transport his party and pro-
14 vides a mechanism for suspension or revocation of a
15 license by the Administrative Court.

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