

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1741

H.P. 1293

House of Representatives, January 19, 1994

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**An Act to Amend the Maine Guide License.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27.  
Cosponsored by Representatives: AHEARNE of Madawaska, FARREN of Cherryfield,  
JACQUES of Waterville, KNEELAND of Easton, LIBBY of Kennebunk, LINDAHL of  
Northport, MARSHALL of Eliot, PLOWMAN of Hampden, REED of Dexter, STEVENS of  
Sabattus, VIGUE of Winslow.

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

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Sec. 1. 12 MRSA §7311-A is enacted to read:

**§7311-A. Ancillary permit and license to be issued**

A statewide fire permit for out-of-door fires and a license to operate a motorboat carrying passengers for hire must be issued as a matter of course by the commissioner to each successful applicant for a guide license issued under this chapter.

1. Expiration. The fire permit and the boat operator's license expire concurrently with the guide license on December 31st of the 2nd complete year following issuance.

2. Fire permit terms. The fire permit authorizes the holder to kindle out-of-door fires in accordance with chapter 807, subchapter IV, article 2, but is conditional upon the guide notifying a forest ranger, in person or by telephone, each time the guide enters any area to guide a party.

3. Operator's license terms. A license to operate a motorboat carrying passengers for hire is subject to suspension or revocation as provided in section 7799, subsection 6.

For purposes of this section, the term "motorboat carrying passengers for hire" has the same meaning as provided in section 7791.

Sec. 2. 12 MRSA §7315, sub-§1-A, as enacted by PL 1993, c. 258, §1, is amended to read:

1-A. Mandatory revocation. The commissioner shall revoke for a period of 3 years the guide's license of a guide who is convicted of violating a provision of this Part punishable by a mandatory fine of not less than \$1,000 and at least 3 days in jail. The commissioner shall provide notice of revocation as provided in section 7077, subsection 7. The commissioner shall revoke for one year the guide license and fire permit of any guide who is found to have violated any provision of chapter 807, subchapter IV, article 2 regarding open fires or section 7311-A, subsection 2. A person whose license has been revoked under this subsection may, within 30 days of the effective date of the revocation, petition the commissioner for a hearing to show cause why the license should not have been revoked. If, after the hearing, the commissioner finds that the person has not been convicted or that the conditions of this subsection do not apply, the revocation is rescinded. If the commissioner finds that the person has been convicted and that the conditions of this subsection apply, the revocation remains in effect.

2           **Sec. 3. 12 MRSA §7799, sub-§1**, as amended by PL 1987, c. 742,  
§10, is further amended to read:

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6           **1. Application.** Every operator of a motorboat, ~~other than~~  
a ~~licensed Maine guide certified in watercraft safety~~, carrying  
8 passengers for hire, except those operators who have been issued  
and have or are required to have in their possession a current  
10 valid federal operator's license, shall obtain an operator's  
license from the commissioner as provided in this section before  
operating a motorboat carrying passengers for hire, except that  
12 each successful applicant for a guide's license must be issued,  
as a matter of course, an operator's license with the guide  
14 license as provided in section 7311-A.

16           A. The operator shall make written application for the  
license on forms provided by the commissioner.

18           B. The commissioner shall cause operators applying for a  
20 license for the first time to be examined as to their  
qualifications.

22           **Sec. 4. 12 MRSA §9322, sub-§3**, as amended by PL 1985, c. 108,  
24 §6, is repealed and the following enacted in its place:

26           **3. Guides.** The Commissioner of Inland Fisheries and  
Wildlife shall issue, as a matter of course, to each successful  
28 applicant for a guide license a statewide fire permit as provided  
in section 7311-A. The permit is valid for the term of the guide  
30 license and is conditional, as provided in section 7311-A.

32           **Sec. 5. Transition.** The Commissioner of Inland Fisheries and  
Wildlife shall, upon application, issue a statewide fire permit  
34 and a boat operator's license, authorizing the holder to operate  
a motorboat carrying passengers for hire, to each person holding  
36 a valid, unexpired guide license issued under the Maine Revised  
Statutes, Title 12, section 7311 before the effective date of  
38 this Act. The fire permit and the boat operator's license are  
valid through the unexpired term of the issued guide license.  
40 The fire permit is conditional upon the guide notifying a forest  
ranger in person or by telephone each time the guide enters any  
42 area to guide a party. A guide holding a valid, unexpired guide  
license issued prior to the effective date of this Act and who is  
44 certified in water safety may operate a motorboat carrying  
passengers for hire without an operator's license through  
46 December 31, 1994.

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2 **STATEMENT OF FACT**

4 This bill requires the Commissioner of Inland Fisheries and  
6 Wildlife to issue to each successful applicant for a guide  
8 license a statewide fire permit and a boat operator's license  
10 authorizing the holder to operate a motorboat carrying passengers  
12 for hire. The fire permit and the boat operator's license are  
valid for the same period as the guide license. Violation by a  
guide of the state law regarding open fires results in a one-year  
revocation of the guide license and the fire permit.

14 Under current law a resident guide is entitled to a  
16 statewide fire permit for which the guide must apply to the  
18 Department of Conservation on a yearly basis. Licensed guides  
20 certified in watercraft safety are currently exempt from having  
to acquire a boat operator's license. Other guides must obtain a  
yearly boat operator's license through an application process.  
Under this bill, all guides will get an operator's license as a  
matter of course.

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26 This document has not yet been reviewed to determine the  
28 need for cross-reference, stylistic and other technical  
amendments to conform existing law to current drafting standards.