

# MAINE STATE LEGISLATURE

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Date: 3/11/8

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Majority

INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1475, L.D. 2089, Bill, "An Act To Allow Certain Assistance to Bear Hunters"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow Certain Assistance to Guides and Hunters'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'12 MRSA §12861 is enacted to read:

§12861. Transportation of guide's clients by unlicensed person

Notwithstanding section 10001, subsection 28 and Title 29-A, section 552, a person licensed to guide hunters under this chapter may employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. For purposes of this section, "motor vehicle" does not include a snowmobile or an all-terrain vehicle.

1. Prohibition. A person, while transporting hunters pursuant to this section, may not:

- A. Engage in hunting;
B. Transport hunting equipment for that person's own use unless that hunting equipment is fastened in a case;
C. Accompany hunters into the fields or forests; or
D. Assist in hunting activities, including, but not limited to, accompanying hunters to a hunting stand or bait site, searching for wounded animals or locating, retrieving or field dressing harvested animals.

COMMITTEE AMENDMENT

R.018

COMMITTEE AMENDMENT "A" to H.P. 1475, L.D. 2089

1 2. Penalty and vicarious liability. This subsection applies to violations of  
2 subsection 1.

3 A. A person who violates subsection 1 commits a Class E crime. When a person is  
4 convicted of violating subsection 1, the guide employing that person must be issued a  
5 warning by a law enforcement officer, as defined in Title 25, section 2801-A,  
6 subsection 5.

7 B. A person licensed as a guide who receives 3 or more warnings pursuant to  
8 paragraph A within a 5-year period commits a civil violation for which a fine of not  
9 less than \$100 and not more than \$500 may be adjudged. The commissioner may  
10 suspend the guide license of a person adjudicated of a violation of this paragraph for  
11 a period of up to one year.

12 C. A person licensed as a guide who violates paragraph B after having been  
13 adjudicated as having committed 3 or more civil violations under this Part within a 5-  
14 year period commits a Class E crime.

15 3. Repeal. This section is repealed July 31, 2010.'

16 **SUMMARY**

17 This amendment authorizes a person licensed as a guide to employ the services of a  
18 person not licensed as a guide to transport hunters along a public or private road in a  
19 motor vehicle for the sole purpose of delivering those hunters to a predetermined  
20 destination prior to or at the conclusion of the time those hunters are engaged in hunting.  
21 It also prohibits the unlicensed person from hunting or participating in hunting-related  
22 activities while transporting hunters for a guide. This amendment also provides liability  
23 for a guide when there are 3 or more violations of the transportation provision by a person  
24 employed by that guide within a 5-year period. The provisions of the amendment are  
25 repealed July 31, 2010.

26 **FISCAL NOTE REQUIRED**  
27 **(See attached)**

**COMMITTEE AMENDMENT**



# 123rd MAINE LEGISLATURE

LD 2089

LR 3056(02)

**An Act To Allow Certain Assistance to Bear Hunters**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Inland Fisheries and Wildlife**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new civil violations and Class E crimes. The collection of additional fines may also increase General Fund revenue by minor amounts.