

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1489

S.P. 518

In Senate, April 19, 2017

An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.

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

2 **Sec. 1. 12 MRSA §10908, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is amended to read:

4 **1. Conditions for revocation, suspension, denial.** The commissioner may suspend
5 or revoke a guide license pursuant to this subchapter and Title 5, section 10004. The
6 commissioner may revoke, suspend, refuse to issue or refuse to renew a guide license or
7 the District Court may revoke or suspend a guide license:

8 A. If the guide fails to meet the standards of competency established pursuant to
9 section 12851;

10 B. If the guide fails to meet the qualifications for a guide license, including, but not
11 limited to, failure to pass a reexamination conducted pursuant to section 12855,
12 subsection 4; ~~or~~

13 C. If the guide is found to be incompetent, negligent or neglectful in the conduct of
14 guiding activities, including, but not limited to, entering into a contractual agreement
15 with a client to provide services and then failing, without just cause, to provide the
16 services as agreed; ~~or~~

17 D. If the guide or an applicant for a guide license is convicted of committing a crime
18 in the State or any other jurisdiction that is punishable by imprisonment for a term of
19 one year or more or is found not criminally responsible by reason of insanity of
20 committing a crime in the State or any other jurisdiction that is punishable by
21 imprisonment for a term of one year or more.

22 (1) A person whose license is revoked, suspended or denied under this paragraph
23 may request a hearing before the commissioner. Following the hearing, the
24 commissioner may issue a guide license or reinstate a guide license that has been
25 revoked, suspended or denied if the commissioner determines that the applicant
26 has been sufficiently rehabilitated from the conviction to warrant the public trust
27 or the nature of the conviction or the circumstances surrounding it do not warrant
28 disqualification from licensure. The request for a hearing under this paragraph
29 must be made within 30 days of receipt of the revocation, suspension or denial of
30 the guide license.

31 (2) An applicant for a guide license or the holder of a guide license must notify
32 the department of a conviction or a finding of not criminally responsible that is
33 grounds under this paragraph for the revocation, suspension or denial of a guide
34 license. Failure to notify the department is grounds for a permanent denial or
35 revocation of a guide license.

36 **SUMMARY**

37 This bill authorizes the Commissioner of Inland Fisheries and Wildlife to revoke,
38 suspend, refuse to issue or refuse to renew a guide license if the license holder has been
39 convicted of committing a crime punishable by imprisonment for one year or more or is
40 found not criminally responsible by reason of insanity of committing a crime punishable

1 by imprisonment for a term of one year. The bill allows a person to request a hearing to
2 appeal the revocation, suspension or denial. The bill requires an applicant for or the
3 holder of a guide license to notify the Department of Inland Fisheries and Wildlife of a
4 conviction or a finding of not criminally responsible that is grounds for the revocation,
5 suspension or denial of a guide license.