

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-846) (LD 1932 2020)

Date: 8/20/2020

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Date: (Filing No. H-)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1376, L.D. 1932, Bill, “An Act To Promote Outdoor Recreational Opportunities for Maine Students”

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State's colleges, universities and kindergarten to grade 12 schools educate students in outdoor activities, safety and leadership; and

Whereas, the State's colleges, universities and kindergarten to grade 12 schools train their faculty and staff to safely lead outdoor recreation trips in the fields and forests and on the water and ice in the State that may include overnight camping at primitive areas; and

Whereas, the State's colleges and universities train their adult students to lead outdoor recreation trips in the fields and forests and on the water and ice in the State while camping at primitive camping areas; and

Whereas, the laws of Maine require anyone leading such trips who receives remuneration to have a Maine guide license; and

Whereas, although licensed Maine guides provide significant contributions to both the quality of safe outdoor experiences and the economy of the State, the licensing requirements for Maine guides may not be compatible with the needs of outdoor recreation trip leaders at the State's accredited colleges, universities and kindergarten to grade 12 schools; and

Whereas, this Act establishes a task force on outdoor recreation trips to create a statewide certification that conforms to the outdoor education needs of postsecondary and kindergarten to grade 12 school faculty and staff and college students who seek to safely lead trips available only to students, faculty and staff within a state-accredited educational institution; and

COMMITTEE AMENDMENT

1 **Whereas**, the law must be amended to provide a transition period to allow state-
2 accredited colleges, universities and kindergarten to grade 12 schools to come into
3 compliance with Maine law regarding licensed guides; and

4 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
5 the meaning of the Constitution of Maine and require the following legislation as
6 immediately necessary for the preservation of the public peace, health and safety; now,
7 therefore,

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

9 **Sec. 1. 12 MRSA §12853, sub-§7**, as amended by PL 2009, c. 211, Pt. B, §11, is
10 repealed and the following enacted in its place:

11 **7. Exceptions.** The following exceptions apply to the requirement for a guide
12 license.

13 A. A person holding a youth camp trip leader permit under section 12860 may,
14 without a guide license, conduct trips including adults under the auspices of the youth
15 camp that employs those adults, subject to all the requirements of section 12860.

16 B. An employee or a student of an educational institution in this State may, without a
17 guide license, conduct outdoor recreation trips as part of the educational institution's
18 programming as long as:

19 (1) The educational institution's programming prior to the effective date of this
20 paragraph included conducting outdoor recreation trips; and

21 (2) Any outdoor recreation trip conducted by the educational institution does not
22 include fishing, hunting, trapping, whitewater rafting or the use of snowmobiles
23 or all-terrain vehicles.

24 For purposes of this paragraph, "educational institution" means a public school or
25 private school, as those terms are defined in Title 20-A, section 1, or a postsecondary
26 educational institution.

27 This paragraph is repealed October 1, 2022.

28 **Sec. 2. Task force on outdoor recreation trips.** The Commissioner of Inland
29 Fisheries and Wildlife shall convene a task force on outdoor recreation trips, referred to
30 in this section as "the task force."

31 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
32 following terms have the following meanings:

33 A. "Private school" has the same meaning as in the Maine Revised Statutes, Title
34 20-A, section 1, subsection 22.

35 B. "Public school" has the same meaning as in the Maine Revised Statutes, Title
36 20-A, section 1, subsection 24.

37 **2. Membership.** The Commissioner of Inland Fisheries and Wildlife shall invite the
38 following to serve as members of the task force:

1 A. Representatives of public schools, private schools and postsecondary educational
2 institutions as follows:

3 1. Two representatives of public postsecondary educational institutions in the
4 State, including at least one from the University of Maine System designated by
5 the Chancellor of the University of Maine System;

6 2. Two representatives of private nonprofit postsecondary educational
7 institutions in the State, one of whom is a licensed Maine guide, designated by
8 the Maine Independent Colleges Association;

9 3. Two representatives of public schools, at least one of whom is a licensed
10 Maine guide, designated by the Commissioner of Education; and

11 4. Two representatives of private schools, one of whom is a licensed Maine
12 guide, designated by the Maine Association of Independent Schools;

13 B. The director of licensing and registration at the Department of Inland Fisheries
14 and Wildlife;

15 C. One representative of a nonprofit organization established to coordinate outdoor
16 education for kindergarten to grade 12 schools who is a licensed Maine guide;

17 D. One representative of the camp trip leader permit committee within the
18 Department of Inland Fisheries and Wildlife;

19 E. One representative of the Department of Inland Fisheries and Wildlife, Advisory
20 Board for the Licensing of Guides;

21 F. One warden employed by the Department of Inland Fisheries and Wildlife; and

22 G. One representative of a statewide organization representing Maine guides.

23 The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee shall
24 serve as a member of the task force.

25 **3. Chairs.** The member designated by the Chancellor of the University of Maine
26 System and the Commissioner of Inland Fisheries and Wildlife, or the commissioner's
27 designee, are the cochairs of the task force.

28 **4. Appointments.** The cochairs shall call and convene the first meeting of the task
29 force no later than 30 days following the effective date of this section.

30 **5. Duties.** The task force shall develop recommendations to establish:

31 A. A statewide certification, as an alternative to Maine guide licensing, for adults
32 and students of public and private schools and postsecondary educational institutions
33 to lead outdoor recreation trips that do not include fishing, hunting, trapping or
34 whitewater rafting or the use of snowmobiles or all-terrain vehicles for students and
35 faculty of the State's private and public schools and postsecondary educational
36 institutions;

37 B. A curriculum that would allow adults and students of the State's public and
38 private schools and postsecondary educational institutions to achieve the skills
39 necessary to earn the statewide certification developed under paragraph A. The task
40 force must consider safety, leadership and group facilitation skills in its
41 recommendations for a curriculum;

- 1 C. Procedures and systems to train instructors;
- 2 D. Assessment procedures that focus on participant safety, leadership and group
- 3 facilitation and conform to the academic schedules of the State's public and private
- 4 schools and postsecondary educational institutions; and
- 5 E. A fee system that is sufficient to fund the statewide certification program but that
- 6 is not onerous to adults, students, public and private schools and postsecondary
- 7 educational institutions.

8 **6. Staff assistance.** The University of Maine System shall provide necessary
9 staffing services to the task force.

10 **7. Report.** By January 10, 2021, the Commissioner of Inland Fisheries and Wildlife
11 shall report to the joint standing committee of the Legislature having jurisdiction over
12 inland fisheries and wildlife matters the findings and conclusions of the task force under
13 subsection 4, including any recommended legislation. The joint standing committee is
14 authorized to submit a bill related to the report to the First Regular Session of the 130th
15 Legislature.

16 **Emergency clause.** In view of the emergency cited in the preamble, this
17 legislation takes effect when approved.'

18 **SUMMARY**

19 This amendment replaces the bill and creates a temporary exception for employees
20 and students of schools and postsecondary educational institutions in the State to the
21 requirement that a person hold a Maine guide license to conduct certain outdoor
22 recreation trips. As long as the educational institution's outdoor recreational trips
23 occurred as part of programming prior to this legislation, and as long as any outdoor
24 recreation trip conducted by the educational institution does not include fishing, hunting,
25 trapping, whitewater rafting or the use of snowmobiles or all-terrain vehicles, employees
26 and students of the educational institution do not require a Maine guide license. The bill
27 establishes a task force of stakeholders consisting of representatives of schools,
28 postsecondary educational institutions and Maine guides and the Department of Inland
29 Fisheries and Wildlife to develop recommendations for a new certification as an
30 alternative to Maine guide licensing for outdoor recreation trips.

31 **FISCAL NOTE REQUIRED**

32 **(See attached)**



129th MAINE LEGISLATURE

LD 1932

LR 2974(02)

An Act To Promote Outdoor Recreational Opportunities for Maine Students

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - University of Maine System

Fiscal Detail and Notes

Additional costs to the Department of Inland Fisheries and Wildlife to participate in, and to the University of Maine System to serve on and provide staff support to, the Task Force on Outdoor Recreation Trips can be absorbed within existing budgeted resources.