

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Date: 5-24-21

(Filing No. H.222)

**INLAND FISHERIES AND WILDLIFE**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1089, L.D. 1474, "An Act To Promote Outdoor Recreational Opportunities for Maine Students"

Amend the bill by inserting after the title and before the enacting clause 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,** this legislation provides a clear and safe regulatory structure for educational institutions to conduct recreational trips, and this structure needs to be in place as soon as possible for the summer recreational season; and

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

Amend the bill by striking out all of section 1.

Amend the bill by striking out all of section 9 and inserting the following:

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 B, §11, is repealed and the following enacted in its place:

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

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

**B. A person holding an educational trip leader permit under section 12863 may, without a guide license, conduct outdoor educational trips in accordance with section 12863.**

**C. Notwithstanding section 12863, an employee or a student of an educational institution may, without a guide license, conduct outdoor educational trips as part of the educational institution's programming as long as the educational institution's**

1 programming prior to the effective date of this paragraph included conducting outdoor  
2 educational trips.

3 This paragraph is repealed October 1, 2022.

4 For purposes of this subsection, "educational institution" and "outdoor educational trip"  
5 have the same meanings as in section 12863, subsection 1.'

6 Amend the bill by striking out all of section 10 and inserting the following:

7 'Sec. 10. 12 MRSA §12863 is enacted to read:

8 **§12863. Educational trip leader permit for schools and postsecondary educational**  
9 **institutions**

10 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
11 following terms have the following meanings.

12 A. "Educational institution" means a public school or private school, as those terms are  
13 defined in Title 20-A, section 1, a postsecondary educational institution or any other  
14 educational institution defined by the commissioner by rule under subsection 6.

15 B. "Outdoor educational trip" means an educational or recreational outdoor trip  
16 conducted by an educational institution that includes nonmotorized boating or camping  
17 at a primitive camping area but does not include fishing, hunting, trapping or the use  
18 of snowmobiles, motorboats or all-terrain vehicles.

19 **2. Permit required.** An educational institution conducting an outdoor educational  
20 trip shall provide for every 12 trip participants at least one educational trip leader who holds  
21 a permit under this section and who is associated with the educational institution or a person  
22 who holds a guide license issued under this chapter.

23 **3. Prohibition.** A person who does not hold a guide license issued under this chapter  
24 may not conduct an outdoor educational trip under subsection 2 without an educational trip  
25 leader permit issued under this section. Each day a person violates this subsection, that  
26 person commits a civil violation for which a fine of \$50 and an amount equal to twice the  
27 applicable license or permit fee may be adjudged.

28 **4. Issuance of permit.** The commissioner may issue or reissue an educational trip  
29 leader permit to a person who meets the qualifications established by the commissioner by  
30 rule under subsection 6 and who pays the fee established under subsection 5.

31 **5. Fee.** The initial qualifying fee for a 5-year educational trip leader permit is \$20.  
32 The permit may be renewed upon payment of \$20 if the requirements of this section,  
33 including requirements in rules adopted under subsection 6, are met.

34 **6. Rules.** The commissioner shall adopt rules to implement this section, including but  
35 not limited to rules establishing:

36 A. An advisory committee made up of persons with relevant expertise to advise the  
37 commissioner in the implementation of this section;

38 B. Qualifications for a person seeking to obtain an educational trip leader permit,  
39 including appropriate preparatory training and any exceptions to such training based  
40 on a person's experience;

1 C. Qualifications and other necessary standards or requirements relating to persons or  
2 entities providing preparatory training in accordance with paragraph B;

3 D. Procedures for reviewing and addressing complaints against persons or entities  
4 providing preparatory training to persons seeking to obtain educational trip leader  
5 permits as well as complaints against educational trip leader permit holders; and

6 E. Any other standards, conditions or procedures necessary for the effective  
7 implementation and enforcement of this section.

8 Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter  
9 375, subchapter 2-A.

10 7. **Enforcement.** Wardens of the department and the rangers of the Department of  
11 Agriculture, Conservation and Forestry, Bureau of Forestry and Bureau of Parks and Lands  
12 may enforce this section and may terminate any trip that is considered unsafe or in violation  
13 of this section. The commissioner, who shall take into consideration the advice of the  
14 advisory committee established in accordance with subsection 6, paragraph A, shall  
15 establish standards for what is considered an unsafe trip and shall consider previous  
16 violations of this section when issuing or reissuing educational trip leader permits.'

17 Amend the bill by striking out all of section 11.

18 Amend the bill by striking out all of section 13.

19 Amend the bill by adding before the summary the following:

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

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
23 number to read consecutively.

## 24 SUMMARY

25 This amendment clarifies and streamlines the bill. The amendment:

26 1. Defines "outdoor educational trip" as an educational or recreational outdoor trip  
27 conducted by an educational institution that includes nonmotorized boating or camping at  
28 a primitive camping area but does not include fishing, hunting, trapping or the use of  
29 snowmobiles, motorboats or all-terrain vehicles;

30 2. Clarifies that the temporary authorization for outdoor educational trips to be  
31 conducted without permits applies to the same institutions and the same trips as the new  
32 educational trip leader program;

33 3. Simplifies the language relating to the new educational trip leader program and  
34 removes the advisory committee established in the bill and instead provides that the  
35 Commissioner of Inland Fisheries and Wildlife must adopt rules to implement the program,  
36 including establishing an advisory committee to advise the commissioner on the program;

37 4. Changes the penalty that applies if a person who is not a guide conducts an outdoor  
38 educational trip without an educational trip leader permit from a criminal to a civil penalty;

39 5. Provides that the renewal fee for an educational trip leader permit is \$20 rather than  
40 \$15; and

1

6. Adds an emergency preamble and emergency clause to the bill.

2

**FISCAL NOTE REQUIRED**

3

(See attached)



# 130th MAINE LEGISLATURE

LD 1474

LR 1184(02)

## An Act To Promote Outdoor Recreational Opportunities for Maine Students

Fiscal Note for Bill as Amended by Committee Amendment *A(H222)*

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

---

### Fiscal Note

Minor revenue increase - General Fund

Minor cost increase - General Fund

### Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

### Fiscal Detail and Notes

This bill creates an educational trip leader permit with a 5-year term and a \$20 fee. No estimate is made at this time of the number of new permits that will be issued, but the impact on revenues is not anticipated to be significant. Any additional costs to the Department of Inland Fisheries and Wildlife or the Department of Agriculture, Conservation and Forestry as a result of the provisions of this bill are anticipated to be minor and can be absorbed within existing budgeted resources.