

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1599

S.P. 630

In Senate, April 11, 2023

**An Act to Create an Outfitter License for Owners and Operators of
Hunting, Fishing and Recreation Businesses That Are Not Maine
Guides**

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook. (BY REQUEST)

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

2 **Sec. 1. 12 MRSA §10001, sub-§28**, as amended by PL 2013, c. 88, §1, is further
3 amended to read:

4 **28. Guide.** "Guide" means a person who ~~receives any form of remuneration for~~
5 provides that person's services in accompanying or assisting a person in the fields or forests
6 or on the waters or ice within the jurisdiction of the State while hunting, fishing, trapping,
7 boating, snowmobiling, using an all-terrain vehicle or camping at a primitive camping area
8 when training is essential for the safety of the activity.

9 **Sec. 2. 12 MRSA §10001, sub-§46-A** is enacted to read:

10 **46-A. Outfitter.** "Outfitter" means a person who owns or operates a business for
11 hunting, fishing or recreation who is not a guide.

12 **Sec. 3. 12 MRSA c. 927-A** is enacted to read:

13 **CHAPTER 927-A**

14 **OUTFITTERS**

15 **§12871. Outfitter license**

16 A person may not act as an outfitter without a valid license issued under this chapter.
17 The fee for an outfitter license is \$135. Any person operating as an outfitter is subject to a
18 background check in section 12872.

19 **§12872. Background check**

20 The commissioner shall request a background check for each person who applies for
21 an outfitter license under this chapter. The background check must include criminal history
22 record information obtained from the Maine Criminal Justice Information System
23 established in Title 16, section 631 and the Federal Bureau of Investigation.

24 **1. Criminal history record information.** The criminal history record information
25 must be obtained and used as follows.

26 A. The criminal history record information obtained from the Maine Criminal Justice
27 Information System must include a record of public criminal history record information
28 as defined in Title 16, section 703, subsection 8.

29 B. The criminal history record information obtained from the Federal Bureau of
30 Investigation must include other state and national criminal history record information.

31 C. An applicant who is the subject of a Federal Bureau of Investigation criminal history
32 record check may obtain a copy of the criminal history record check by following the
33 procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. An
34 applicant who is the subject of a state criminal history record check may inspect and
35 review the criminal history record information pursuant to Title 16, section 709.

36 D. State and federal criminal history record information may be used by the department
37 for the purpose of screening each applicant.

