

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION

FINAL REPORT
OF THE
COMMISSION TO REVIEW
THE LAWS RELATING TO
REGISTERED MAINE GUIDES

FEBRUARY 1988

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COMMISSION TO REVIEW THE LAWS RELATING TO REGISTERED
MAINE GUIDES

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I. INTRODUCTION

Maine has been registering or licensing Maine guides since 1899. In the days of Henry Thoreau, nonresidents were required to hire a professional Maine guide to lead them into the Maine woods if they were going to kindle any fires. This requirement was dropped in 1955. In 1986, 2072 people were licensed as professional Maine guides. The current system of licensing guides, described in section II, has never been comprehensively reviewed and numerous inconsistencies, safety, and enforcement issues have developed.

In the First Regular Session of the One Hundred and Thirteenth Legislature, several bills relating to Maine guides were introduced. Rather than deal with these issues on a piecemeal basis, the Joint Standing Committee passed LD 1339, A RESOLVE TO CREATE A COMMISSION TO REVIEW THE LAWS RELATING TO REGISTERED MAINE GUIDES, sponsored by Rep. Paul Jacques. This bill called for a comprehensive overview of the current guide licensing system and requirements.

LD 1339 established a thirteen member commission composed of both legislators and guiding professionals (see Appendix A) and charged the commission with identifying the shortcomings and inconsistencies of the current statutes, recommending changes to the Department of Inland Fisheries and Wildlife regulations to better serve the guiding profession, and evaluating a new classification scheme for licensing guides. Commission members met four times and held public hearings in Millinocket, Ellsworth and Lewiston in the fall of 1987. This report is a product of their efforts and contains their recommendations.

II. CURRENT SYSTEM FOR LICENSING GUIDES AND CAMP TRIP LEADERS

1. Licensed Guides

Maine requires any person receiving remuneration for assisting another person recreating in the fields, forests, or on the waters to be licensed as a guide (12 MRSA §7301). IF&W also requires a licensed guide to lead camping trips from a boys and girls camp which include adults. Maine has specific guide license for the following activities:

1. General guide license for all activities except whitewater rafting.
2. Fishing guide license for guiding fishing trips.
3. Hunting guide license for guiding hunting and trapping trips.
4. Recreational guide license qualifies a person to guide boating, snowmobiling and camping activities.
5. Whitewater guide license qualifies a person to act as a guide for whitewater trips.

Guide applicants are required to pass both a written and an oral exam administered by an Advisory Board for the Licensing of Guides. The examination covers safety issues, general knowledge of the outdoors, and fishery and wildlife laws. Guiding performance is not evaluated except in whitewater rafting. The Advisory Board estimates that 90 to 95% of applicants pass these exams.

Before qualifying to take the guide examinations, proof of an eight hour First Aid and CPR courses or training as an Emergency Medical Technician must be provided by new applicants. The applicant must be at least 18 years old, have had a physical examination within the last 12 months, and must submit a health record. In addition to the examinations, standards of competency are applied. Applicants must document at least 3 years of field experience related to the activities they will be licensed for, certify no habitual use of drugs or alcohol, certify no mental or physical disabilities potentially dangerous to themselves or persons being guided, and certify they are not fugitives from justice.

The fee for resident guide licenses is currently \$40 per year and includes hunting and fishing privileges. Whitewater rafting guide licenses are \$25 per year and do not include hunting and fishing privileges. Table 1 illustrates the cost of other licenses and the number of licenses IF&W has sold in selected years.

TABLE 1

Total Guides Licenses Sold:

	<u>FY 85</u>	<u>FY86</u>
Regular Guides (Resident)	1493	1632
Guides (Non-Resident)	44	51
Alien Guide	1	0
Whitewater Guides (Resident)	193	320
Whitewater Guides (Non-Resident)	40	67
Whitewater Guide (Alien)	0	2

Fees for Guides Licenses:

<u>Type</u>	<u>Cost</u>
Guide (Res.)	40.00
Guide (Non-Res.)	142.00
Guide (Alien)	167.00
Whitewater	25.00
Whitewater (Alien)	25.00

<u>TOTAL SCHEDULED TESTS</u>	<u>FY85</u>	<u>FY86</u>
General Guiding Activities	126	366
Whitewater Guides	233	308

After passing the written exam, an oral exam is administered by the Advisory Board for the Licensing of Maine Guides. The oral exam tests the applicants expertise in the field and knowledge of safety requirements. If a person has held a guide license prior to 1980, and can document it, he is exempted from taking the written and oral exams and meeting the first aid and CPR requirements.

2. Advisory Board

The Advisory Board is composed of four members: a public member, two wardens, and one member designated by the commissioner. Wardens with at least 5 to 6 years experience have represented the Department on the Board.

The Board offers tests on a regional basis and processes about 10 to 12 applicants per week. The Board admits they are not recreation-oriented and that the recreation category is so broad that representation on the board by recreationists would strengthen their ability to examine these people.

3. Camp Trip Leaders

Maine requires each camping trip from a boys or girls camp to have at least one person certified as a camp trip leader and at least one staff member for every 6 minors (12 MRSA, §7303). Camping trips of only one night are exempt from the guide requirement. The requirements for a camp trip leaders license include being over 18 years of age, completing a safety course approved by the Commissioner of IF&W and certification in First Aid and water safety.

If the applicant is over 21, passing a written exam, sponsorship by a camp director and three years of field experience can qualify an applicant for a permit through a special application procedure. Certification in First Aid, CPR and for water trips, lifesaving are also required. The permit allows the trip leader to lead camping trips more than one night in length for minors. If adults are included on the trip, the person must be licensed as a Maine guide.

Reexamination is required for trip leaders if their permits lapse more than 2 years. If the permit is not renewed for three years, the applicant must take the Camp Trip Leader Safety course again. The fee for a camp trip leader permit is \$14 for the initial application and \$9 for a renewal.

The Camp Trip Leader Safety course is developed and approved by the Camp Trip Leader Advisory Board established under 12 MRSA, §7302. This five member board, composed of 3 public members and a representative from the Department of Inland Fisheries and Wildlife and the Department of Human Services, advises the commissioner of IF&W in developing and adopting a safety course curriculum to certify camp trip leaders.

III. Proposed changes in the Guiding and Camp Trip Leader Statutes.

The guide licensing system has never been comprehensively reviewed and many of the problems identified by the commission with the help of the department and public hearings, stem from many years of adding on changes in a piecemeal fashion. The commission has proposed legislation to update the statutes relating to guides. This bill repeals the current section pertaining to guides and presents it in a new, more organized format. This discussion addresses only the substantive changes proposed by the commission. It is organized to follow the order of the bills and sections are cross-referenced in the text.

In addition to the substantive changes outlined above, the commission initially proposed to change the classification system currently in place for guides. After developing a system that included up to seven classification categories, the commission heard testimony at the public hearings that persuaded them not to move ahead on this proposal. Under the commission's final recommendations, the Commissioner still has the discretion to modify the classification system for guides by rule.

1. Provide compensation for public members of the Advisory Board for the Licensing of Guides. (Sec. 1, 5 MRSA, §12004, sub-§ 10, ¶ 23-A, page 2).

Currently, the public member of the Advisory Board for the Licensing of Guides is not compensated for his time although it can be a considerable amount. In 1986, the advisory board met 20 times. To attract and keep public members on the board, the commission proposes to compensate public members at the rate of \$50 per day.

2. Restrict situations when a license to guide is needed. (Sec. 2, §7001, sub-§13, and Sec. 3, §7001, sub-§29-A, page 2)

The current definition of Maine guides is so comprehensive that it includes people who receive remuneration for assisting recreationists or campers in the fields, forests or in the waters that don't require the expertise of a licensed guide. This includes bicyclers staying in well-equipped campgrounds paying a leader to accompany them.

The commission proposes to revise the definition of a Maine guide to exclude persons leading camping trips at nonprimitive campgrounds. Camping groups staying at established camping areas with drinking water approved by the Department of Human Services should not require the expertise of a Maine guide. A primitive camping area is defined in section 3 of the bill as one which does not have access to a water supply approved by the Department of Human Services.

The commission also discussed exempting a person from the requirement for a guide license if the only compensation he receives for guiding services is to have his expenses covered. After considerable deliberation, the commission was advised by the chief warden against including this exemption in the definition on the grounds that this would create an enforcement loophole.

3. Provide residents over 70 years of age with a complimentary license renewal (Sec. 4, §7076, sub-§1, page 2)

Residents over 70 years of age can now obtain complimentary hunting, trapping, fishing, archery and muzzle-loading licenses. The chairman of the commission proposes to include guide license renewals in this suite of complimentary licenses.

4. Clearly define what it means to accompany minors, moose permit holders, and nonresident bear hunters that use dogs. (Sec. 5, §7101, sub-§7, page 3; Sec. 7, §7452, sub-§1-A, page 9; and Sec. 8, §7463-A, sub-§4, page 9.

Several provisions of current law require hunters to be accompanied by or to hunt in conjunction with other persons. However, the terms "accompaniment" or "hunting in conjunction" with another person are not defined. These changes specify that the person must be in the presence of the hunter, unaided by radios or binoculars.

5. Extend the licensure period for guides to three years. (§7311, sub-§1, page 3)

The Commission proposes to increase the licensing period for guides from one year to three years both to relieve the administrative burden on the Department and the paperwork requirements for guides. This change will be phased in through the renewal process.

6. Remove the exemption from first aid training for guides licensed before 1980. (§7311, sub-§ 2, ¶ C, page 3)

The Commission believes that it is important for persons licensed as guides to have a proficiency in first aid and that there is no justification for the January 1, 1980, cutoff date for exempting guides from first aid requirements. They recommend phasing in first aid training requirements for all Maine guides by the year 1990.

In recognition that the Standard First Aid courses now available may contain sections not pertinent for guides, the commission proposes to direct the department to review the current curriculum of the American Red Cross course and to develop a program more relevant to the potential situations they will come across. (Sec. 12, page 10) The requirement for first aid is phased in to allow the department to report back and recommend any changes before 1990.

7. Remove hunting and fishing privileges from guide licenses. (\$7311, sub-§3-A, page 3).

Under current law, licensed guides may hunt and fish by virtue of their guide license. Therefore, the Department requires new applicants to have taken a hunter safety course. Recreational guides often do not intend to hunt and should not be required to take a hunter safety course. Removing automatic hunting and fishing authority from a guide license relieves guides of this requirement. In recognition of this change, the fees for a guide license are reduced (see number 8).

8. Decrease annual guide license fees to \$25 for residents, \$100 for non-residents and \$200 for aliens. (\$7311, sub-§3, page 3)

If automatic authority to hunt and fish is not included with a guide license, the commission proposes the fee be reduced. For residents, the proposed fee is \$25 per year or \$75 for a 3 year license. Nonresident fees are set four times higher than resident fees to be consistent with the statutory relationship for other licenses. Alien licenses are set at double the amount for nonresidents in recognition that U.S. citizens are not allowed to guide in Canada.

9. Provide an opportunity to phase-in the three year guide license. (\$7311, sub-§3-A page 3).

Any changes enacted by the Legislature as a result of this study will become effective sometime in the spring. Because this creates problems for persons who have already purchased their license for 1988, the changes in the fee structure and privileges are delayed until January 1, 1989. To help stagger license renewals, licensees are given the option of purchasing one, two, or three year licenses during 1989.

10. Exempt licensed boys and girls camps from the requirement to have a Maine guide on camping trips if it includes adults. (§7311, sub-§4, page 4)

The Warden Service interprets current statutes to require boys and girls camps to have a Maine guide lead a camping trip if it includes adults. This creates problems for many camps that may provide services for mixed age groups or family outings during a camping session. The commission proposes to exempt camp trip leaders running out of licensed boys and girls camps from having to have a guide license to accompany a group on camping trips. These groups must still comply with all the provisions of the camp trip leader section.

11. Require all guides carrying clients in watercraft to be certified by the department in water safety. A watercraft operator's license will no longer be required. (§7313, sub-§1, page 4; Sec. 9, §7799, sub-§1, page 10)

The commission proposes that all licensed guides carrying passengers for hire in a watercraft be certified by the department for watercraft safety. The current requirement for an operator's license is not very rigorous and the commission feels that guides should have a level of proficiency in water safety. By enacting this provision, the commission feels that the operator's license is no longer needed and section 9 of the bill exempts guides from this requirement.

12. Require the commissioner to promulgate safety standards for guides. (§7314, page 5)

The commission feels that one of the primary purposes for regulating guides is to ensure safety for the client. To realize this goal, they are directing the commissioner to develop safety standards to provide clients reasonable protection from hazards.

13. Remove the CPR requirement from licensure criteria. (§7314, sub-§7, page 5)

Most guides testifying at the public hearings held by the Commission agreed that CPR may be useful in limited situations, but the majority objected to having CPR as a requirement for licensure. Their objections to CPR can be summarized as; giving a false impression of their health care competency, difficulty of getting training courses in remote areas of the state, and the loss of older guides if they are required to be trained in CPR. The commission recognizes their arguments and proposes to remove this requirement from licensing criteria.

14. Mandatory revocation of a guiding license for certain offenses. (\$7315, page 5)

The commission strongly felt that mandatory revocation of guiding licenses was warranted in some situations. These include conviction as a habitual offender, assisting a client in violating fish and game laws, and not reporting a fish and game violation by a client. This proposal allows the person whose license has been revoked to appeal. An offender's guide license can be revoked for at least 3 years and possibly for life.

15. Make it a violation to knowingly hire an unlicensed guide. (\$7317, page 6)

The commission proposes to make it a violation to hire a person for guiding services if you know that person is not licensed as a guide. There is no provision in current law to make this illegal.

16. Require licensed guides to report any violations by their clients within 24 hours, or as soon as safely possible. (\$7318, page 6)

The commission feels that guides should uphold the fish and wildlife laws of the state. They propose to require guides to report violations by their clients within 24 hours or as soon as safely possible. If they do not comply with this requirement, their guiding license will be revoked upon conviction.

17. Increase the size of the Advisory Board for the Licensing of Guides to include recreationists. (\$7320, sub-1, ¶ C, page 7)

The Advisory Board for the Licensing of Guides examines guides for a broad range of activities. Most of the members are avid hunters and fishermen while recreational sports are currently under represented. The commission proposes increasing the size of the board by three public members, two of which will be chosen for their expertise in recreational activities. A quorum of five members is specified. Oral exams conducted by the department will be done by three members of the board.

18. Remove the provision for boys and girls camps to require a guide on camping trips if campers are over 18. (\$7322, sub-§1, ¶ A, page 7)

As mentioned in number 10 above, the commission feels that camp trip leaders are qualified to lead camping trips from boys and girls camps regardless of whether the campers are minors or adults. The commission proposes to retain the 6 to 1 ratio for campers and staff.

19. Require the department to promulgate standards for what is considered an unsafe camping trip. (§7321, sub-§5, page 8)

Currently, wardens of the department or rangers of the Maine Forest Service can terminate any camping trip from a boys or girls camp considered unsafe. However, there are no standards to define what constitutes an unsafe trip and the determination is left to the official. The commission proposes to require the department to develop standards for an unsafe trip to remove subjectivity in these decisions.

20. Increase the penalties for persons convicted of guiding without a license. (Sec. 10, §7901, sub-12, page 10)

The commission favored increasing the penalties for persons convicted of guiding without a license to act as a deterrent. Currently, the violation is a class E crime punishable by a fine of not more than \$500. The proposed penalty is \$1000 and 3 days imprisonment.

21. Require the Department to establish a working group in conjunction with Vocational Technical Institutes to develop a program for training guides. (Sec. 11, page 10)

The Commission felt strongly that some form of formal training should be available for people without guiding experience who wish to be licensed. They recommend the department coordinate with Vocational Technical Institutes in developing a curriculum for guides.

This group also is charged with reviewing the Red Cross First Aid course currently required for licensure for adequacy and relevance for licensed guides (see number 6). If the course is found to be not adequate or contain irrelevant sections, this group may develop a pertinent curriculum for a course to ultimately replace the current requirement. The group is required to report to the Legislature by 1990.

22. Require all rules promulgated as a result of this bill to be reviewed by the joint standing committee on fisheries and wildlife. (Sec. 12, page 10)

The commission felt that the joint standing committee on fisheries and wildlife should review the regulations promulgated by the department as a result of this bill to ensure that the intent of their proposals are reflected in the rules. All rules promulgated as a result of this legislation shall be adopted as of April 1, 1988, before the major guiding season begins.

23. Extend the Commission to examine the issues of licensing outfitters and assistant guides (Appendix A)

Two of the more difficult issues the commission discussed were the development of a registration process for outfitters in the state and developing a system for assistant guides to help licensed guides while gaining experience. Both these issues are controversial and more time is needed to examine the shortcomings and merits of each. The commission would like to be reconstituted to deal with these issues in 1988. A bill is included in Appendix A to extend the group and provide for meetings and hearings.

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IV. Appendices

- A. Proposed Legislation
- B. Members of the commission
- C. Statutory Mandate for the commission
- D. Guides Licensing in the U.S. and Canada: a brief survey

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY EIGHT

AN ACT to Make Changes in the Laws
Relating to Licensed Maine Guides and Related Laws.

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

Whereas, registered Maine guides provide a significant contribution to both tourism and the economy of the State; and

Whereas, the laws relating to registered Maine guides have never been comprehensively reviewed and are in need of updating; and

Whereas, the Commission to Review the Laws Relating to Registered Maine Guides met throughout 1987 to review state policies and laws relating to guides and this legislation embodies their recommendations; and

Whereas, a major portion of the guiding season takes place in the spring and summer months and these requirements should be consistent throughout the 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,

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

Sec. 1 5 MRSA §12004, subsection 10, ¶A, sub-¶¶23-A and 23-B, are amended as follows:

23-A.	Advisory Board for the Licensing of Guides	Expenses Only <u>\$50 per day</u>	12-MRSA-§7301 <u>12 MRSA §7316</u>
23-B.	Junior Maine Guides and Trip Leaders Curriculum Advisory Board	Expenses Only	12-MRSA-§7302 <u>12 MRSA §7313</u>

Sec. 2 12 MRSA §7001, sub-§13 is amended as follows:

13. Guide. "Guide" means any person who receives any form of remuneration for his services in accompanying or assisting any person in the fields, forests or on the waters or ice within the jurisdiction of the State while hunting, fishing, trapping, boating, snowmobiling or camping at a primitive camping area.

Sec. 3. 12 MRSA §7001, sub-§29-A is enacted to read:

29-A. Primitive camping area. "Primitive camping area" means a camping location that does not have access to a water supply that is approved by the Department of Human Services.

Sec. 4. 12 MRSA §7076, sub-§1 is amended to read:

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section 7102, and a muzzle-loading hunting license under section 7107-A, shall be issued to any resident of Maine who is 70 years of age or older ~~and applies for it~~ upon application to the commissioner. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application shall be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. Each license issued under this subsection shall remain valid through December 31st of the 2nd complete calendar year following the year of issuance.

Sec. 5. 12 MRSA §7101, sub-§ 7 is amended as follows:

7. Restrictions. Any resident or nonresident hunter 10 years of age or older and under 16 may hunt with firearms only if accompanied-at-a;;-times-while-hunting-by in the presence of his parent or guardian or by-an-adult-person of a person, at least 18 years of age, approved by his parent or guardian. That presence must be unaided by visual or audio enhancement devices including binoculars and Citizen Band radios.

Sec. 6 12 MRSA c. 707, sub-c. VIII is repealed and the following enacted in its place:

SUBCHAPTER VIII-A

§7311. License required

1. Requirement. No person may act as a guide without a valid license under this subchapter. A license entitles a person to act as a guide for three years from the date of issue.

2. Qualifications. In order to qualify for a guide license, a person must

A. Be at least 18;

B. Pass the guide exam;

C. If a first time applicant, and beginning January 1, 1990 for applicants for license renewal, demonstrate that he is certified by the Red Cross in Standard First Aid; and

D. Meet all requirements established by rules of the Commissioner.

3. Fee. The fee for a 3 year guide license is as follows:

A. Resident \$ 75

B. Non resident \$300

C. Alien \$600

3-A. Transitional fees. In 1988 fees shall be \$40 for residents, \$142 for nonresidents and \$167 for aliens. The licenses will carry hunting and fishing privileges. After December 31, 1988, and before January 1, 1990, guide licenses will not carry hunting and fishing privileges and may be purchased to cover a one, two, or three year period at the following rates:

- A. Resident \$ 25 per year
- B. Non resident \$100 per year
- C. Alien \$200 per year

4. Exception. A person holding a camp trip leader permit under section 7322 may conduct trips containing adults under the auspices of the boys and girls camp where they are employed without being required to obtain a guide license. Those trips shall be subject to all the requirements of section 7322.

§7312. Application.

1. New applications. A person wishing to be licensed as a guide shall submit an application to the Commissioner.

A. The commissioner shall provide application forms which request all relevant information the Commissioner considers necessary.

B. Failure or refusal to satisfactorily answer any question in the application is a basis for denying the application.

C. The Commissioner shall decide whether the application is acceptable within 5 working days of receipt.

D. The Commissioner shall notify each applicant at least 2 weeks prior to the examination.

§7313. Examination

1. Requirement. A person who has not previously held a guide license shall pass an examination. A guide carrying passengers for hire shall be certified in the area of watercraft safety.

2. Form. The Commissioner shall determine the form and content of the examination.

3. Location. The Commissioner shall designate locations where the examination will be held.

4. Reexamination. The Commissioner may require a guide to be examined or reexamined if the Commissioner receives written complaint and, upon investigation, believes that the guide no longer meets the guide qualifications.

5. Fee. The examination fee is \$10. An applicant may retake the examination once without paying an additional fee. The fee is nonrefundable and shall be credited toward the license fee of a successful applicant.

§7314. Rules

The commissioner shall, pursuant to Title 5, chapter 375, with the advice and consent of the advisory board, adopt rules necessary to administer this chapter. He shall establish safety standards to provide the clients of guides reasonable protection from hazards. He also may adopt rules in the following areas.

1. Alcohol; drugs. He may require applicants to state whether they use alcohol or other drugs in a way which would interfere with their competence as a guide.

2. Failure to meet party. He may require applicants who have previously held a guide license to state that they have not received and retained a guiding fee from a party and then failed to meet that party as agreed or failed to provide the services as agreed.

3. Competency. He may establish standards of competency which shall be provided to each applicant.

4. Watercraft. He may establish standards for the use by a guide of watercraft other than a motorboat, to ensure that the watercraft is safe for the use intended, that sufficient safety equipment is provided to each passenger and the operator is competent to use watercraft.

6. Classification. He may establish classifications of guide licenses, including general guides and specialized categories.

7. Other. Any other area which he considers necessary to administer this subchapter, except that he may not require an applicant to demonstrate certification in cardiopulmonary resuscitation.

§7315. Mandatory revocation

1. Conditions for revocation. The commissioner shall revoke a guide license in the following circumstances:

A. If a guide is an habitual offender, as defined in section 7001, subsection 13-A;

B. If the guide is convicted of knowingly assisting a client in violating chapters 701 to 721; or

C. If the guide is convicted of a violation of section 7318.

2. Hearing provisions.

A. Any person whose license has been revoked under this section may, within 30 days of the effective date of the revocation, petition for a hearing before the commissioner to show cause why his license should not have been revoked.

B. If, after the hearing, the commissioner finds that the person's record does not bring him within the provisions outlined in subsection 1, the revocation shall be rescinded. If the commissioner finds the person's record does bring him within the provisions outlined in subsection 1, the revocation shall remain in effect. If the petitioner denies any facts contained in the record, he shall have the burden of proof.

3. Term of revocation or suspension. A guide whose license has been suspended or revoked under this section may not apply for a new license for a minimum of three years. The commissioner may revoke a license for life.

§7316. Other revocation or suspension

The commissioner may initiate proceedings in the Administrative Court to revoke or suspend a license when it is found upon investigation that the guide has made false statements in his application, fails to meet the standards for competency and safety, has operated a watercraft for passengers that does not meet the safety standards established by rule or failed a guide examination or reexamination.

§7317. Hiring a guide without a license

No person may knowingly hire a person as a guide if he has knows that that person does not hold a valid guide license.

§7318. Violations by clients

A guide who has knowledge of a violation by a client of any of the provisions of chapters 701 to 721 shall, within 24 hours, or as soon thereafter as safely possible, inform a person authorized to enforce those chapters.

§7319. Guided parties.

There shall be no more than 12 people per each registered guide in a party on any lake, stream or other waterway in this state.

§7320. Advisory Board

1. Members. The Advisory Board for the Licensing of Guides, established by Title 5, section 12004, subsection 10, shall consist of the following:

A. One subordinate officer of the department designated by the commissioner;

B. Two wardens of the department; and

C. Four representatives of the public, with no more than three holding a license under this subchapter, to be appointed by the Governor for a term of 3 years to reflect a wide diversity of guiding experience. At least two members will be chosen for their expertise in outdoor recreation. The public members shall be compensated as provided in Title 5, chapter 379.

2. Duties. The board has the following duties:

A. To provide advice and consent regarding rules proposed by the commissioner; and

B. At the request of the commissioner, to conduct oral examinations of applicants for a guide license.

C. To advise the commissioner on granting and revoking guide licenses.

3. Quorum. Five members of the board constitute a quorum, except that oral exams shall be conducted by three members.

§7321. Junior Maine Guides

1. Eligibility. To qualify as a junior guide, a person must be at least 14 years of age and under 18 years of age, meet the requirements established by the commissioner and pass the required examinations.

2. Restrictions. No junior guide may provide guiding services.

§7322. Trip leader permit

1. When permit required. Boys and girls camps licensed by the Department of Human Services, or located in another state and licensed in a similar manner, if the laws of the other state so require, conducting trip camping shall:

A. Provide at least one staff member over 18 years of age for each 6 campers;

B. Ensure that the staff member in charge of the trip holds a valid trip leaders permit.

2. Application. Any person wishing a permit shall submit an application on forms provided by the commissioner and shall pay the application fee.

3. Qualifications. To qualify initially for a permit, an applicant must either:

A. Show successful completion of an approved trip leader safety course;

B. Complete an application provided by the commissioner outlining in detail his experience and training as a trip leader. Waiver of the course requirement by the commissioner and payment of the application fee shall qualify the applicant for a trip leader permit; or

C. Meet any other requirements adopted by rule of the commissioner.

4. Curriculum. With the advice of the board, the commissioner shall review and adopt a trip leader safety course curriculum which shall include, but not be limited to:

A. Training in first aid;

B. Training in water safety, including lifesaving techniques as appropriate; and

C. Trip leader qualifications under the special application procedure in sub-section 3.

The commissioner shall publish curriculum adopted or approved by the board and a current list of courses with the approved curriculum by name and address.

5. Enforcement. Wardens of the department and the rangers of the Bureau of Forestry are authorized to enforce this section. They may terminate any trip in violation of this section or considered unsafe. By April 1, 1988, the commissioner shall adopt standards for what is considered an unsafe trip. The commissioner shall consider previous violations of this section when issuing or reissuing trip leaders permits.

6. Fee. The initial qualifying fee for a trip leader permit is \$14. The permit may be renewed upon payment of \$9 if requirements of the department are met.

§7322. Junior Maine Guides and Trip Leaders Curriculum Advisory Board

1. Board established. The commissioner shall appoint a board of 5 members, to be known as the "Junior Maine Guides and Trip Leaders Curriculum Advisory Board" as authorized by Title 5, section 12004, subsection 10.

2. Membership. The board shall consist of one member from the Department of Inland Fisheries and Wildlife, one member from the Department of Human Services and 3 public members, one of whom shall be a Maine camp director. Appointments to the board shall be for 3 years or until successors are appointed.

3. Duties. The board has the duty to advise the commissioner on the adoption of a trip leaders safety course curriculum and on the adoption of rules for the administration of this section and sections 7321 and 7322;

4. Compensation. The public members shall be compensated as provided in Title 5, chapter 379.

Sec. 7 12 MRSA §7452, sub-§1-A is amended to read:

1-A. Nonresident hunting bear with dogs. A nonresident is guilty of unlawfully hunting bear with dogs if he:

A. Hunts bear with the use of a dog or dogs; and

B. Does not employ and hunt in ~~conjunction with the~~ presence of a resident Maine guide unaided by visual or audio enhancement devices including binoculars and Citizen Band radios.

Sec. 8 12 MRSA § 7463-A, sub-§ 4 is amended as follows:

4. Hunting permits. The Commissioner may issue up to 100 moose hunting permits annually and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that he possesses:

A. A valid Maine hunting license, if he is a resident of the State; or

B. A valid Maine big game hunting license, if he is a nonresident or alien.

The fee for a moose hunting permit is \$25 for residents and \$200 for nonresidents and aliens. At the time the permit is obtained the permittee may designate a subpermittee to hunt with him. The permittee may choose not to designate a subpermittee and hunt alone, but a subpermittee must always be accompanied by in the presence of the permittee unaided by visual or audio enhancement devices including binoculars and Citizen Band radios while hunting moose. While hunting moose each nonresident or alien hunter shall be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

Sec. 9 12 MRSA §7799, subsection 1, is amended as follows:

1. Application. Every operator of a motorboat, other than a licensed Maine guide certified in watercraft safety, carrying passengers for hire, except those operators who have been issued and have or are required to have in their possession a current valid federal operator's license, shall obtain an operator's license from the commissioner as provided in this section before operating a motorboat carrying passengers for hire.

A. The operator shall make written application for the license on forms provided by the commissioner.

B. The commissioner shall cause operators applying for a license for the first time to be examined as to their qualifications.

Sec. 10 12 MRSA §7901, sub-12, is enacted as follows:

12. Guiding without a license. A violation of section 7311, subsection 1 is a Class D crime for which a fine of \$1000 and imprisonment of 3 days shall be imposed. Neither the fine nor the imprisonment may be suspended.

Sec. 11 Training evaluation. The Department of Inland Fisheries and Wildlife in cooperation with the Board of Trustees of the Maine Vocational-Technical Institutes system, shall study the feasibility of developing and offering a program for training persons to be guides.

The department shall also review the curriculum of the standard first aid course provided by the American Red Cross and the first aid training needs of guides. The department shall report to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife including its recommendations regarding appropriate first aid curriculum for guides and the methods of assuring adequate availability of training courses.

Sec. 12 Rules. The Commissioner of the Department of Inland Fisheries and Wildlife shall adopt rules necessary to implement the provisions of this Act by April 1, 1988. Proposed rules shall be submitted to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

3182*

STATEMENT OF FACT

This bill embodies the recommendations of the Commission to Review the Laws Relating to Maine Guides to amend the guiding statutes. Section 1 of the bill amends current law to compensate the public members of the Advisory Board for the Licensing of Guides. Sections 2 and 3 limit camping trips requiring a guide to those in primitive camping areas and defines those areas as not having access to a water supply approved by the Department of Human Services.

Section 4 of the bill provides for guides over 70 years of age to receive a complimentary license renewal, completing the suite of licenses senior citizens are entitled to receive free of charge. Sections 5, 7 and 8 clarify the requirement for accompaniment while hunting and stipulate that radios and binoculars cannot be used.

Section 6 repeals and replaces the current statutes covering guides and camp trip leaders. Substantive changes in this section relating to guides include:

- * changing the license period to 3 years;
- * phasing in a requirement for first aid;
- * dropping hunting and fishing privileges from the license;
- * reducing the license fee in light of the reduced privileges;
- * exempting camp trip leaders from having to obtain a guide license to lead a trip with adults;
- * requiring certification in watercraft safety for guides carrying clients in boats;
- * establishing a process for mandatory revocation of guiding licenses for habitual offenders, guides assisting clients in violating fish and wildlife laws, and not reporting a violation by a client within a reasonable time;
- * making it illegal to knowingly hire an unlicensed guide; and
- * requiring guides to report violations by their clients as soon as possible.

This section also increases the size of the Advisory Board for the Licensing of Guides to ensure that several members are recreation-oriented.

The statutes covering Camp Trip Leaders in this section are amended to require the department to develop standards to define when a trip is considered unsafe.

Section 9 exempts licensed guides certified in watercraft safety from the requirement for a motorboat operator's permit. Section 10 increases the penalties for providing guiding services without a license. Section 11 requires the Department of Inland Fisheries and Wildlife to explore developing a curriculum for training guides within the Vocational-Technical Institute system. It also requires the Department to review the Red Cross First Aid Course to determine if it is relevant for licensed guides. Section 12 stipulates that all rules required by this Legislation be in effect by April 1, 1988.

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY SEVEN

RESOLVE, to Reconstitute the Commission
to Review the Laws
Relating to Registered Maine Guides.

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

Whereas, the original Commission to Review the Laws Relating to Maine Guides did not have the time to effectively deal with the issue of whether the state should license or register outfitters; and

Whereas, this is a complex issue requiring more attention; 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,

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

Sec. 1.

Commission established. Resolved: That a Commission to Review the Laws Relating to Registered Maine Guides be reconstituted. The Commission shall consist of 13 members as follows:

Five members of the House of Representatives, appointed by the Speaker of the House of Representatives, three members representing the Joint Standing Committee on Fisheries and Wildlife, one member representing the Joint Standing Committee on Taxation and one member representing the Joint Standing Committee on Business Legislation; two members from the Senate appointed by the President of the Senate, representing the Joint Standing Committee on Fisheries and Wildlife and the Joint Standing Committee on Taxation or Business Legislation; two representatives of the Maine Professional Guides Association; one registered Maine guide not affiliated with the Maine Professional Guides Association; one representative of the Sportsmen's Alliance of Maine; one representative of the Maine Trapper's Association; and one representative of Maine Sporting Camp Owners. The Commissioner of Inland Fisheries and Wildlife shall serve as an ex-officio member. The public members shall be appointed by the Governor within ten days of enactment.

The Commission shall meet up to four times to develop recommendations. In addition, up to three public hearings will be held throughout the state to solicit input and comments. Members shall receive reimbursement for expenses for meals and travel upon application to the Executive Director of the Legislative Council. No per diem expenses shall be paid; and be it further

Report. Resolved: That this commission shall report its findings, together with any necessary legislation, to the First Regular Session of the 114th Legislature not later than February 1, 1989. This report shall:

1. Discuss the issues to be considered in developing a system for licensing or registering outfitters in the state;
2. Explore the need to develop a system for assistant guides to aid licensed Maine guides and train inexperienced guides; and
3. Recommend any changes in legislation pursuant to this report.

Staff support. Resolved: That staff support shall be requested from the Legislative Council.

Sec. 2. Allocation. The following funds are allocated from revenues dedicated to the Department of Inland Fisheries and Wildlife as follows:

1988-89

LEGISLATURE

Commission to Review the Laws
Relating to Registered Maine
Guides

All Other

\$7400

Provides funds for the travel,
printing and miscellaneous
expenses for a 13 member commission
to review the laws relating to
registerd Maine guides.

This bill will take effect upon enactment.

STATEMENT OF FACT

This bill reconstitutes a 13 member commission composed of both legislators and interested parties to comprehensively review the issue of developing a licensing or registration system for outfitters and assistant guides.

3245

COMMISSION TO REVIEW
REGISTERED GUIDES

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633 Washington St.
Rumford, ME 04276

Sen. Charles G. Dow
R.F.D. #3, Box 3660
West Gardiner, ME 04345

Ex officio

Bill Vail, Commissioner
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17

BY GOVERNOR

RESOLVES

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

—
H.P. 993 - L.D. 1339

Resolve, to Create a Commission to Review the
Laws Relating to Registered Maine
Guides.

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 laws relating to registered Maine
guides have never been comprehensively reviewed and
are in need of updating; and

Whereas, registered Maine guides provide a sig-
nificant contribution to both tourism and the economy
of the State; and

Whereas, in hiring the services of a guide,
sportsmen and recreationists entrust their scarce va-
cation time, as well as their health and safety; and

Whereas, the certification and licensing of Maine
guides involves a variety of issues including public
safety; 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 preser-
vation of the public peace, health and safety; now,
therefore, be it

Commission established. Resolved: That a Com-
mission to Review the Laws Relating to Registered

Maine Guides be created. The commission shall consist of 13 members as follows: Five members of the House of Representatives, appointed by the Speaker of the House, 3 members representing the Joint Standing Committee on Fisheries and Wildlife, one member representing the Joint Standing Committee on Taxation and one member representing the Joint Standing Committee on Business Legislation; 2 members from the Senate, appointed by the President of the Senate, representing the Joint Standing Committee on Fisheries and Wildlife and the Joint Standing Committee on Taxation or Business Legislation; 2 representatives of the Maine Professional Guides Association; one registered Maine guide not affiliated with the Maine Professional Guides Association; one representative of the Sportsmen's Alliance of Maine; one representative of the Maine Trappers' Association; and one public member representing private landowners. The Commissioner of Inland Fisheries and Wildlife shall serve as an ex officio member. The public members shall be appointed by the Governor within 10 days of enactment.

The commission shall hold an organizational meeting at the call of the chairman of the Legislative Council within 30 days after the effective date of this resolve. At this meeting, the commission shall elect a chairman and vice-chairman from within the membership. The commission shall meet twice to develop preliminary recommendations for public input and comment. Up to 3 public hearings will be held throughout the State to solicit input and comments on the preliminary recommendations. The commission shall hold up to 3 additional meetings to finalize their recommendations. Members shall receive reimbursement for expenses for meals and travel upon application to the Executive Director of the Legislative Council. No per diem expenses may be paid; and be it further

Report. Resolved: That this commission shall report its findings, together with any legislative recommendations, to the Second Regular Session of the 113th Legislature not later than February 1, 1988. This report shall:

1. Identify inconsistencies and shortcomings of

the present laws governing Maine guides and develop legislative recommendations to bring them up to date;

2. Recommend changes to the Department of Inland Fisheries and Wildlife regulations that relate to registered Maine guides; and

3. Evaluate a classification system for guides relating to their proficiency and areas of expertise; and be it further

Staff support. Resolved: That staff support shall be requested from the Legislative Council; and be it further

Allocation. Resolved: That the following funds are allocated from revenues dedicated to the Department of Inland Fisheries and Wildlife to carry out the purposes of this resolve.

1987-88

LEGISLATURE

Commission to Review
the Laws Relating to
Registered Maine
Guides

All Other

\$8,800

Provides funds for the travel, printing and miscellaneous expenses for a 13-member commission to review the laws relating to registered Maine guides.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

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23 June 1987

To: Commission to Review the Laws Relating to Registered Maine Guides
From: Hartley Palleschi, Research Assistant
Re: GUIDE LICENSING IN THE U.S. AND CANADA: A BRIEF SURVEY

Background

The 113th Legislature created the Commission to Review the Laws Relating to Registered Maine Guides through L.D. 1339. In anticipation of the commission's study several states and provinces were surveyed for information on their guide licensing programs. This memorandum describes current guide licensing in Maine, reports the survey results, and examines the programs of Quebec, New Brunswick, New York, New Hampshire, Idaho, and Montana.

Survey Described

A mail survey of 16 states and three provinces was used to gather information on how guides are regulated elsewhere. Responses were obtained from all agencies contacted except the Ministry of Environment and Parks in British Columbia. Ten states and New Brunswick reported some form of certification or licensing process. The main characteristics of these programs are reported in Table 1, where the Maine program for licensing guides is included for comparison. Quebec, Vermont, Massachusetts, Pennsylvania, Virginia, Michigan, and New Mexico reported no licensing of guides. Michigan does require registration for operators of vessels hired for fishing, but the emphasis is on the hire of vessels not guiding.

Maine Guide Licensing

Maine licenses guides for fishing, hunting, whitewater rafting, and recreational activities. A recreational license means that a person is qualified to guide boating, snowmobiling and camping activities. A general classification license is given to guides if they are registered for all activities except whitewater rafting. Applicants must pass written and oral examinations of the applicant's knowledge and skills in an activity before being licensed to guide that activity. No performance tests for proficiency in use of firearms, canoes, or other equipment are given. Whitewater rafting guides must be recommended for licensing by an outfitter.

Table 1

SURVEY OF GUIDE LICENSING, APRIL 1987¹

STATE/PROVINCE	GENERAL LICENSES	SPECIALTY LICENSES	TIERED SYSTEM	LICENSING BOARD	NON-RESIDENTS NEED GUIDES	FIRST AID
MAINE	YES	F,H,R,SR		YES		YES
NEW BRUNSWICK	YES ²				YES	
NEW HAMPSHIRE		F,H				YES
NEW YORK		F,H,R,M,C				YES
WEST VIRGINIA	YES	R				
OHIO		F ³				
WISCONSIN	YES					
MINNESOTA		F,H ⁴				
MONTANA	YES			YES		
IDAHO	YES	FH,R,B, M,S,XC	YES	YES		YES
OREGON	YES			YES		YES
ARIZONA		FH,SG				

¹Quebec, Vermont, Massachusetts, Pennsylvania, Virginia, Michigan, and New Mexico reported no licensing of guides.

²New Brunswick licenses guides for all hunting and for Atlantic Salmon fishing.

³Ohio only licenses Lake Erie fishing guides.

⁴Minnesota licenses Lake Superior fishing, bear hunting, and turkey hunting guides.

Specialty License Codes

- B powerboats
- C camping and hiking
- F fishing
- FH fishing and hunting
- H hunting
- M mountaineering and technical climbing
- R whitewater rafting and canoeing
- S snowmobiling
- SG small game
- SR specialized recreation
- XC cross-country skiing

Before qualifying to take the guide examinations, proof of Basic First Aid and C.P.R. or training as an Emergency Medical Technician must be provided. The applicant must also be 18 years old, have had a physical examination within the previous 12 months, and must submit a health record. Besides the examinations, additional standards of competency are applied. Applicants must document at least 3 years of field experience related to the activities under consideration, certify no habitual intemperance in the use of alcohol or habitual use of controlled substances, certify no mental or physical disabilities potentially dangerous to themselves or persons being guided, and certify they are not fugitives from justice. After passing the written exam, the oral exam is administered by the Board of Examiners for the Licensing of Guides. The Board of Examiners is a four member board composed of three department employees and a public member. To be re-licensed, guides must certify they have not received and retained a fee, then failed to meet a party or failed to provide the agreed upon services.

Resident guide licenses cost \$40 per year, except whitewater rafting guide licenses cost \$25 per year. Guides licensed prior to 1980 are exempt from the CPR and first aid requirements. In 1980, Maine licensed 1,367 resident guides, 31 non-resident guides, and one alien guide. Whitewater guides were not distinguished from guides for other activities in 1980. In 1986, Maine licensed 1,571 resident guides, 52 non-resident guides, and 374 whitewater guides.

General License Procedures

General licenses are awarded by states through different procedures. Usually, one of two approaches is taken. One approach is to test applicants in each activity subject to a guide license, awarding a general license when an individual is certified in all activities. For example, in Maine a general license is awarded after the applicant has met the requirements for all licensed activities except whitewater rafting. In some other states, the license applicant passes a general test and is then allowed to guide all activities licensed by the state. For example, in New Brunswick passing one test allows guiding of hunting and Atlantic Salmon fishing, the only regulated activities. Presumably, guides required to pass exams in each activity have been more strictly tested than those guides passing a single general exam. In either case, a general license indicates that the guide is permitted to guide all regulated activities.

Quebec

Although Quebec reports no licensing system, guides were licensed in Quebec as recently as 1984. More important to hunters from Maine is the regulation of outfitters and the accessibility of good hunting. The Province does not require non-residents to be accompanied by guides, but there are two kinds of outfitting taking place in Quebec which make guides a de facto requirement in some areas. Above the 50th parallel outfitters who provide lodging, boats, guiding and other services are licensed by the Province. These outfitters operate in the public lands without benefit of any territorial rights, but the remote nature of the land makes an outfitter a necessity for most non-resident sportsmen. Below the 50th parallel outfitters are able to lease the exclusive hunting and fishing rights to large tracts of land and thus anyone hunting in these areas must hunt with their guides. The average lease size is about 70 square kilometers (27 square miles). So while the use of guides by non-residents is not mandated by the province, accessibility to some areas and the policy of leasing hunting and fishing rights to outfitters makes outfitters and their guides a fact of life for non-resident sportsmen in Quebec.

New Brunswick

Non-residents of New Brunswick are required to be accompanied by guides if hunting or fishing for Atlantic Salmon; these are the only activities for which guides are certified. New Brunswick has two types of guide license: professional and not-for-profit. To obtain a professional guides license a "basic" examination must be passed. Professional guides can accompany up to three people while hunting or fishing from shore and one person if fishing from a boat. Not-for-profit guides must pass the same examination, but can not hire themselves out as guides. Their license permits them to accompany one relative or non-relative friend, thus saving their companion the expense of hiring a guide. Non-residents may hunt or fish without a guide if the Minister of Fisheries and Wildlife finds that guide services are not reasonably available. John Gilbert, a fish habitat biologist for the New Brunswick Department of Natural Resources and Energy, reports that there are not enough guides available and so-called "tourist licenses" are frequently given by the Minister.

New York

New York has licensed guides for years, but in 1985 the legislature enacted a comprehensive law requiring the testing of all guide license applicants. Rules and regulations are being developed and exams will be given for the first time in 1987. The exam will have a basic requirements section for all applicants and six optional sections that relate to six types of guiding activities. There will be a boat and canoe handling skills test for rafters and fishing guides. Provisional licenses for fishing, hunting, and camping guides are issued upon receipt of a completed application form and proof of identity, age, and address (driver's license) plus a \$25 non-refundable fee. Guides for whitewater rafting, whitewater canoeing, rock and ice climbing meet additional requirements before receiving a provisional license. Any provisional license will be revoked if the applicant fails to provide proof of standard first aid, CPR, basic water safety, and a statement of physical capability within 90 days of the provisional license date or within 60 days of passing the examination. Failure to pass the examination or violations of an environmental conservation law are also cause for revoking a provisional license. A five year license will be issued when the above conditions are met and a \$100 fee is received. Each additional activity is an extra \$20. Only provisional licenses are being issued prior to the first exam.

New Hampshire

New Hampshire issues separate guide licenses for hunting and fishing. Standards in New Hampshire are fairly representative of the approach many states take in licensing guides. To obtain a license, applicants must be 18 years or older, hold valid licenses for the species being taken, pass a written exam, successfully complete a basic first aid or basic CPR course, and be free of fish and game violations or felony convictions for specific time periods. After 1983, first-time applicants to guide hunters must successfully complete an approved hunter education course.

Idaho

Idaho is concerned about overuse of their wilderness areas. The Idaho Outfitters and Guides Board is empowered to make and enforce rules and to examine applicants for licenses. They restrict the use of their wilderness by considering the number of outfitters, their activities, the period of use and the level of each activity in each of the proposed areas of operation when licensing outfitters. Approval from the manager of any state or federal lands included in the area of operation is required. Outfitters must present an operating plan detailing the area of operation, and a list of activities, the names and locations of camps to be used, the number of guests, a list of the basic equipment to be employed, the number and title of guides employed, and provide proof of financial capability.

Idaho licenses guides by activity and by familiarity with the area in which the guiding will take place. All guides must be employed by an outfitter or be a qualified outfitter themselves and are restricted to guiding in the licensed area of their employer. Successful guide applicants must meet a set of general requirements and any specific requirements unique to an activity. General requirements include being 18 years old, having successfully completed an approved first aid course, and certification by a qualified outfitter that the applicant is 1) qualified to perform the type of guiding activity, 2) knows the area in which the activity will take place, 3) is able to read a map and compass, and 4) is clean, well-mannered, and willing to serve the public. Applicants must have extensive first-hand knowledge of the area, waters, and activities involved in the proposed operation.

In addition to the general requirements, applicants must meet additional requirements for most activities. Licenses are issued for combination fishing and hunting, power boating, float boating, mountaineering and technical climbing, snowmobiling, and cross-country ski trips. A tiered system for licensing hunting, boating, and skiing guides has been designed to ensure that guides have adequate experience to protect the public and the Idaho wilderness from one another.

In general, hunting, power and float boating, and skiing guide applicants qualify initially for an apprentice or trainee license by meeting basic application requirements. After gaining experience and meeting further requirements, they qualify for more advanced certification as guides and eventually as lead guides. Hunting apprentices must be in the outfitter's assigned area at least ten days, be knowledgeable of trails, terrain and game, and be able to correctly cape an animal before qualifying for a hunting guide license. Float boating trainees must keep a log of their trips, with at least one trip on each unclassified river and three trips on each classified river under application needed to obtain a license. Trips are supervised by lead boatmen qualified for each river. Power boating trainees have similar requirements. Apprentice skiing guides meet the general guide requirements, but do not have to pass the backcountry qualifying program of the Professional Ski Instructors Association (PSIA). Apprentices are limited to assisting day trips with a guide's supervision or assisting overnight trips under the direct supervision of a lead guide. Guides must have passed the backcountry qualifying program and can lead day trips in nonhazardous terrain or can assist in guiding day trips or overnight trips in hazardous terrain under the supervision of a lead guide. Lead skiing guides must have three supervised overnight trips, full PSIA certification, an advanced first aid card, radio communication knowledge, and at least 40 hours of avalanche training.

Montana

In Montana, guides operate under the employment of licensed outfitters. Their license is only valid when working for the outfitter under whom they are licensed and only for the activities and areas the outfitter may provide. The guides themselves do not take any examinations, but must describe their experience in their application. Until 1977, Montana had a law requiring non-residents to be accompanied by a resident guide or an outfitter. At that time resident guides were defined as a resident with a valid license to take the fish or game being sought who accompanied the non-resident without receiving compensation, a situation almost analogous to New Brunswick. Montana stopped requiring non-residents to use guides after a successful court challenge.

0185*

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September 8, 1987

To: Commission to Review the Laws Relating to Maine Guides
From: Hartley Palleschi, Research Assistant
Re: Update on Quebec Guide Requirements for Non-Residents

Regulations issued by the Province of Quebec for fishing, hunting and trapping during 1987-88 indicate:

- * North of the 52nd Parellel, hunting and fishing is prohibited to non-residents except under the control of an outfitter.
- * Outfitters also hold exclusive fishing or hunting rights within specific territories south of the 52nd Parellel.
- * Non-residents may only trap in the territory of an outfitter with exclusive trapping rights.
- * License fees for non-residents are:

Fishing (non-salmon)	\$ 27.50
Trapping	\$115.00
Hunting	
Deer, Moose, Caribou	\$125.50 each
Bear	\$ 54.50
Small Game	\$ 32.50

1654