

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Allow Certain Assistance to Guides and Hunters'**

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

**'Sec. 1. 12 MRSA §12861** is enacted to read:

**§ 12861. Transportation of guide's clients by unlicensed person**

Notwithstanding section 10001, subsection 28 and Title 29-A, section 552, a person licensed to guide hunters under this chapter may employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. For purposes of this section, "motor vehicle" does not include a snowmobile or an all-terrain vehicle.

**1. Prohibition.** A person, while transporting hunters pursuant to this section, may not:

A. Engage in hunting;

B. Transport hunting equipment for that person's own use unless that hunting equipment is fastened in a case;

C. Accompany hunters into the fields or forests; or

D. Assist in hunting activities, including, but not limited to, accompanying hunters to a hunting stand or bait site, searching for wounded animals or locating, retrieving or field dressing harvested animals.

**2. Penalty and vicarious liability.** This subsection applies to violations of subsection 1.

A. A person who violates subsection 1 commits a Class E crime. When a person is convicted of violating subsection 1, the guide employing that person must be issued a warning by a law enforcement officer, as defined in Title 25, section 2801-A, subsection 5.

B. A person licensed as a guide who receives 3 or more warnings pursuant to paragraph A within a 5-year period commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged. The commissioner may suspend the guide license of a person adjudicated of a violation of this paragraph for a period of up to one year.

C. A person licensed as a guide who violates paragraph B after having been adjudicated as having committed 3 or more civil violations under this Part within a 5-year period commits a Class E crime.

**3. Repeal.** This section is repealed July 31, 2010.'

## **SUMMARY**

This amendment authorizes a person licensed as a guide to employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. It also prohibits the unlicensed person from hunting or participating in hunting-related activities while transporting hunters for a guide. This amendment also provides liability for a guide when there are 3 or more violations of the transportation provision by a person employed by that guide within a 5-year period. The provisions of the amendment are repealed July 31, 2010.

## **FISCAL NOTE REQUIRED**

**(See attached)**