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Date: (Filing No. S-)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 619, L.D. 1683, Bill, “An Act To Amend the Registered Maine Guide Background Check Requirement”

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

'An Act To Extend the Term of Guide Licenses and Amend the License Revocation Laws'

Amend the bill by striking out everything after the title and before the summary 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 current background check requirement for guides and applicants for guide licenses is costly and burdensome; and

Whereas, immediately implementing a penalty for failing to report behavior that is the basis for denial, suspension or revocation of a guide license will ensure that guides are adequately responsible for the safety of their clients; and

Whereas, the changes implemented by this legislation need to go into effect before spring and summer tourism and recreation begin; 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. 12 MRSA §10908, sub-§1, as amended by PL 2017, c. 204, §1, is further amended to read:

1. Conditions for revocation, suspension, denial. The commissioner may suspend or revoke a guide license pursuant to this subchapter and Title 5, section 10004. The

COMMITTEE AMENDMENT

1 commissioner may revoke, suspend, refuse to issue or refuse to renew a guide license or
2 the District Court may revoke or suspend a guide license in the following circumstances:

3 A. If the guide fails to meet the standards of competency established pursuant to
4 section 12851;

5 B. If the guide fails to meet the qualifications for a guide license, including, but not
6 limited to, failure to pass a reexamination conducted pursuant to section 12855,
7 subsection 4;

8 C. If the guide is found to be incompetent, negligent or neglectful in the conduct of
9 guiding activities, including, but not limited to, entering into a contractual agreement
10 with a client to provide services and then failing, without just cause, to provide the
11 services as agreed; or

12 D. If the guide or an applicant for a guide license has been convicted of committing a
13 crime in the State or any other jurisdiction that is punishable by imprisonment for a
14 term of one year or more or has been found not criminally responsible by reason of
15 insanity of committing a crime in the State or any other jurisdiction that is punishable
16 by imprisonment for a term of one year or more.

17 (1) A person whose license is revoked, suspended or denied under this paragraph
18 may request a hearing before the commissioner. Following the hearing, the
19 commissioner may issue a guide license or reinstate a guide license that has been
20 revoked, suspended or denied if the commissioner determines that the applicant
21 has been sufficiently rehabilitated from the conviction to warrant the public trust
22 or the nature of the conviction or the circumstances surrounding it do not warrant
23 disqualification from licensure. The request for a hearing under this paragraph
24 must be made within 30 days of receipt of the revocation, suspension or denial of
25 the guide license; or

26 ~~(2) An applicant for a guide license or the holder of a guide license must notify~~
27 ~~the department of a conviction or a finding of not criminally responsible that is~~
28 ~~grounds under this paragraph for the revocation, suspension or denial of a guide~~
29 ~~license within 30 days of the conviction or finding. Failure to notify the~~
30 ~~department is grounds for a permanent denial or revocation of a guide license.~~

31 E. If the guide or applicant for a guide license fails to notify the department as
32 required under subsection 3. Failure to notify as required under subsection 3 is
33 grounds for a permanent denial or revocation of a guide license.

34 **Sec. 2. 12 MRSA §10908, sub-§3** is enacted to read:

35 **3. Mandatory notification.** An applicant for a guide license or a holder of a guide
36 license must notify the department of a conviction or a finding of not criminally
37 responsible that is grounds under subsection 1, paragraph D for the revocation,
38 suspension or denial of a guide license within 30 days of the conviction or finding.
39 Failure to notify the department is grounds for a permanent denial or revocation of a
40 guide license. A person who violates this subsection commits a Class E crime.

41 **Sec. 3. 12 MRSA §12853, sub-§5**, as amended by PL 2005, c. 12, Pt. III, §30, is
42 further amended to read:

