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Date: (Filing No. S- )

**INLAND FISHERIES AND WILDLIFE**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 204, L.D. 552, “An Act to Create an Outfitter License for Owners and Operators of Hunting, Fishing and Recreation Businesses Who Are Not Maine Guides”

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

**'An Act to Amend the Laws Governing the Carrying Passengers for Hire License'**

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

**'Sec. 1. 12 MRSA §12853, sub-§7, ¶E** is enacted to read:

E. A person who is certified in first aid under subsection 4, paragraph C and has satisfactorily completed a towed water sports safety education course under section 13063 may, without a guide license, operate a watercraft in the course of employment with a seasonal business engaged in instruction in recreational activities.

**Sec. 2. 12 MRSA §13063, sub-§1,** as amended by PL 2019, c. 324, §3, is further amended to read:

**1. Prohibition.** A person may not operate a motorboat carrying passengers for hire without having successfully completed a boater safety education course approved by a national association of state boating law administrators and approved by the commissioner or a towed water sports safety education course administered by the department and approved by the commissioner. A person operating a motorboat carrying passengers for hire shall provide proof of having successfully completed a course under this subsection when requested by the commissioner or the commissioner's agent. For purposes of this section, "carrying passengers for hire" means receiving remuneration to carry passengers in a motorboat from one predetermined point to another predetermined point on inland waters.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**COMMITTEE AMENDMENT**

1 B. A person who violates this subsection after having been adjudicated as having  
2 committed 3 or more civil violations under this Part within the previous 5-year period  
3 commits a Class E crime.

4 **Sec. 3. 12 MRSA §13063, sub-§2**, as amended by PL 2019, c. 324, §3, is further  
5 amended to read:

6 **2. Requirement.** Every operator of a motorboat, other than a licensed Maine guide  
7 certified in watercraft safety, carrying passengers for hire, except those operators who have  
8 been issued and have or are required to have in their possession a current valid federal  
9 operator's license, shall show proof of having successfully completed an approved boater  
10 safety education course or a towed water sports safety education course in accordance with  
11 subsection 1 upon request of the commissioner or the commissioner's agent.'

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

14 **SUMMARY**

15 This amendment replaces the bill and changes the title. The amendment allows a person  
16 who has completed a towed water sports safety education course and is certified in first aid  
17 to operate a watercraft without a guide license as an employee of a seasonal business  
18 engaged in instruction in recreational activities.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**