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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.

DAREK M. GRANT Secretary of the Senate

Presented by Senator STEWART of Aroostook. (BY REQUEST)

Be it enacted by the People of the State of Maine as follows:
Sec. 1. 12 MRSA §10001, sub-§28, as amended by PL 2013, c. 88, §1, is further amended to read:
28. Guide. "Guide" means a person who receives any form of remuneration for provides that person's services in accompanying or assisting a person in the fields or forests or on the waters or ice within the jurisdiction of the State while hunting, fishing, trapping, boating, snowmobiling, using an all-terrain vehicle or camping at a primitive camping area when training is essential for the safety of the activity.
Sec. 2. 12 MRSA §10001, sub-§46-A is enacted to read:
46-A. Outfitter. "Outfitter" means a person who owns or operates a business for hunting, fishing or recreation who is not a guide.
Sec. 3. 12 MRSA c. 927-A is enacted to read:
CHAPTER 927-A
<u>OUTFITTERS</u>
§12871. Outfitter license
A person may not act as an outfitter without a valid license issued under this chapter. The fee for an outfitter license is \$135. Any person operating as an outfitter is subject to a background check in section 12872.
§12872. Background check
The commissioner shall request a background check for each person who applies for an outfitter license under this chapter. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation.
1. Criminal history record information. The criminal history record information must be obtained and used as follows.
A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.
B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.
C. An applicant who is the subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. An applicant who is the subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.
D. State and federal criminal history record information may be used by the department for the purpose of screening each applicant.

- **2. Fee.** The Commissioner of Public Safety shall assess a fee set annually by the Commissioner of Inland Fisheries and Wildlife for each initial criminal history record check and a fee set annually by the Commissioner of Inland Fisheries and Wildlife for each renewal criminal history record check required by this section.
- 3. Fingerprints. An applicant shall submit to having fingerprints taken. The State Police, upon payment of the fee required under paragraph B by the applicant, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police pursuant to this subsection must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.
- 4. Confidentiality. Information obtained pursuant to this subsection is confidential. The results of background checks received by the department are for official use only and may not be disclosed to any other person or entity.
- 5. Removal. A person whose outfitter license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal to the requester. The Commissioner of Public Safety may, without notice to a person, remove fingerprints from the fingerprint file maintained by the bureau if the person has not held an outfitter license for 7 years or more.

§12873. Rules

The department shall adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

- Sec. 4. 25 MRSA §1542-A, sub-§1, ¶AA is enacted to read:
- AA. Who has applied for an outfitter license under Title 12, chapter 927-A.
- Sec. 5. 25 MRSA §1542-A, sub-§3, ¶Z is enacted to read:
- Z. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph AA at the request of that person and upon payment of the fee by that person as required by Title 12, chapter 927-A.

34 SUMMARY

This bill establishes an outfitter license for persons who own or operate a business for hunting, fishing or recreation who are not registered as Maine Guides. The bill also amends the definition for Maine Guides.