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An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances

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

Sec. 1. 12 MRSA §10908, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is 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 commissioner may revoke, suspend, refuse to issue or refuse to renew a guide license or the District Court may revoke or suspend a guide license:

- A. If the guide fails to meet the standards of competency established pursuant to section 12851;
- B. If the guide fails to meet the qualifications for a guide license, including, but not limited to, failure to pass a reexamination conducted pursuant to section 12855, subsection 4; ~~or~~
- C. If the guide is found to be incompetent, negligent or neglectful in the conduct of guiding activities, including, but not limited to, entering into a contractual agreement with a client to provide services and then failing, without just cause, to provide the services as agreed; or
- D. If the guide or an applicant for a guide license is convicted of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more or is found not criminally responsible by reason of insanity of committing a crime in the State or any other jurisdiction that is punishable by imprisonment for a term of one year or more.

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 Following the hearing, the commissioner may issue a guide license or reinstate a guide license that has been revoked, suspended or denied if the commissioner determines that the applicant has been sufficiently rehabilitated from the conviction to warrant the public trust or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

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

SUMMARY

This bill authorizes the Commissioner of Inland Fisheries and Wildlife to revoke, suspend, refuse to issue or refuse to renew a guide license if the license holder has been convicted of committing a crime punishable by imprisonment for one year or more or is found not criminally responsible by reason of insanity of committing a crime punishable by imprisonment for a term of one year. The bill allows a person to request a hearing to appeal the revocation, suspension or denial. The bill requires an applicant for or the holder of a guide license to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license.