



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1489

S.P. 518

In Senate, April 19, 2017

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

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Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.  
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.

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

2 **Sec. 1. 12 MRSA §10908, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
3 affected by c. 614, §9, is amended to read:

4 **1. Conditions for revocation, suspension, denial.** The commissioner may suspend  
5 or revoke a guide license pursuant to this subchapter and Title 5, section 10004. The  
6 commissioner may revoke, suspend, refuse to issue or refuse to renew a guide license or  
7 the District Court may revoke or suspend a guide license:

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

10 B. If the guide fails to meet the qualifications for a guide license, including, but not  
11 limited to, failure to pass a reexamination conducted pursuant to section 12855,  
12 subsection 4; ~~or~~

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

17 D. If the guide or an applicant for a guide license is convicted of committing a crime  
18 in the State or any other jurisdiction that is punishable by imprisonment for a term of  
19 one year or more or is found not criminally responsible by reason of insanity of  
20 committing a crime in the State or any other jurisdiction that is punishable by  
21 imprisonment for a term of one year or more.

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

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

36 **SUMMARY**

37 This bill authorizes the Commissioner of Inland Fisheries and Wildlife to revoke,  
38 suspend, refuse to issue or refuse to renew a guide license if the license holder has been  
39 convicted of committing a crime punishable by imprisonment for one year or more or is  
40 found not criminally responsible by reason of insanity of committing a crime punishable

1 by imprisonment for a term of one year. The bill allows a person to request a hearing to  
2 appeal the revocation, suspension or denial. The bill requires an applicant for or the  
3 holder of a guide license to notify the Department of Inland Fisheries and Wildlife of a  
4 conviction or a finding of not criminally responsible that is grounds for the revocation,  
5 suspension or denial of a guide license.