

CHAPTER 927**GUIDES, YOUTH CAMP TRIP LEADERS AND EDUCATIONAL TRIP LEADERS****§12851. Commissioner's authority to adopt rules**

The commissioner shall, with the advice and consent of the Advisory Board for the Licensing of Guides, adopt rules necessary to administer this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner shall establish safety standards to provide the clients of guides reasonable protection from hazards. The commissioner may adopt rules in the following areas. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §314 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

1. Alcohol; drugs. The commissioner may require applicants to state whether they use alcohol or other drugs in a way that would interfere with their competence as guides. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Failure to meet party. The commissioner may require applicants who have previously held a guide license to state that they have not received and retained a guiding fee from a party and then failed to meet that party as agreed or failed to provide the services as agreed. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Competency. The commissioner may establish standards of competency that must be provided to each applicant. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Watercraft. The commissioner may establish standards for the use of watercraft by a guide to ensure that the watercraft is safe for the use intended, that sufficient safety equipment is provided to each passenger and that the operator is competent to use watercraft. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Classification. The commissioner may establish classifications of guide licenses, including general guides and specialized categories. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

6. Other. The commissioner may establish rules in any area as the commissioner considers necessary to administer this chapter, except that the commissioner may not require an applicant to demonstrate certification in cardiopulmonary resuscitation. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B314 (AMD). PL 2003, c. 655, §B422 (AFF).

§12852. Rule violations; licensed guides and trip leaders

The following penalties apply to violations of rules regulating licensed guides , youth camp trip leaders, educational trip leaders and course instructor certificates. [PL 2021, c. 162, §5 (AMD).]

1. Civil. Notwithstanding section 10650, a person who violates a rule regulating licensed guides , youth camp trip leaders, educational trip leaders or course instructor certificates commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [PL 2021, c. 162, §5 (AMD).]

2. Criminal. A person who violates a rule regulating licensed guides , youth camp trip leaders, educational trip leaders and course instructor certificates after having been adjudicated as having

committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

[PL 2021, c. 162, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B315 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2009, c. 211, Pt. B, §§8-10 (AMD). PL 2021, c. 162, §5 (AMD).

§12853. License, fees and requirements; youth camp trip leader and educational trip leader exceptions

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Prohibition. Except as provided in subsection 7, a person may not act as a guide without a valid license issued under this chapter.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §316 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. A person who violates subsection 1 commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment of 3 days, none of which may be suspended. The court shall also impose a fine of \$1,000, none of which may be suspended. A person violates subsection 1 each day that person acts as a guide without a valid license issued under this chapter.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §316 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. New applications. A person seeking to be licensed as a guide shall submit an application to the commissioner.

A. The commissioner shall provide application forms that request all relevant information the commissioner considers necessary. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Failure or refusal to satisfactorily answer any question in the application is a basis for the commissioner not to accept the application. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. The commissioner shall decide whether the application is acceptable within 5 working days of receipt. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. The commissioner shall notify each applicant at least 2 weeks prior to the examination required under section 12855. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2021, c. 162, §7 (AMD).]

4. Qualifications. In order to qualify for a guide license, a person must:

A. Be at least 18 years of age; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Pass the guide examination in accordance with section 12855; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. If a first-time applicant, be currently certified in first aid through completion of any standard first aid course that meets the criteria established by rule of the commissioner; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. If not a first-time applicant, submit satisfactory evidence, as determined by the commissioner, of having held a guide license in this State; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Meet all requirements established by rules of the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

For purposes of this subsection, "first-time applicant" means an applicant who has not previously been issued a guide license in this State.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4-A. Background check. The commissioner shall request a background check for each person who applies for a guide license under this section. 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.

A. The criminal history record information must be obtained and used as follows.

(1) 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.

(2) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(3) 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.

(4) State and federal criminal history record information may be used by the department for the purpose of screening each applicant. [PL 2017, c. 204, §2 (NEW).]

B. The Commissioner of Public Safety shall assess a fee set annually by the commissioner for each initial criminal history record check and a fee set annually by the commissioner for each renewal criminal history record check required by this section. [PL 2017, c. 204, §2 (NEW).]

C. 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 for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [PL 2017, c. 204, §2 (NEW).]

D. 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. [PL 2017, c. 204, §2 (NEW).]

E. A person whose guide 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 a guide license for 7 years or more. [PL 2017, c. 204, §2 (NEW).]

[PL 2017, c. 204, §2 (NEW).]

5. Fee. The fee for a guide license is \$135.

[PL 2017, c. 441, §1 (AMD); PL 2017, c. 441, §3 (AFF).]

6. Term of license. A guide license issued under this section expires on December 31st of the 4th complete year after the date of issuance.

[PL 2017, c. 441, §2 (RPR); PL 2017, c. 441, §3 (AFF).]

7. Exceptions. The following exceptions apply to the requirement for a guide license.

A. A person holding a youth camp trip leader permit under section 12860 may, without a guide license, conduct trips including adults under the auspices of the youth camp that employs those adults, subject to all the requirements of section 12860. [PL 2021, c. 162, §8 (NEW).]

B. A person holding an educational trip leader permit under section 12863 may, without a guide license, conduct outdoor educational trips in accordance with section 12863. [PL 2021, c. 162, §8 (NEW).]

C. [PL 2021, c. 162, §8 (NEW); MRSA T. 12 §12853, sub-§7, ¶C (RP).]

D. **(TEXT EFFECTIVE UNTIL 1/15/24) (TEXT REPEALED 1/15/24)** A person who has satisfactorily completed a boater safety education course under section 13063 and is certified in first aid under subsection 4, paragraph C may, without a guide license, operate a watercraft in the course of employment with a seasonal business engaged in recreational tow-sport activities if that seasonal business was engaged in recreational tow-sport activities during the 2022 season. This paragraph is repealed January 15, 2024. [PL 2023, c. 226, §1 (NEW).]

For purposes of this subsection, "educational institution" and "outdoor educational trip" have the same meanings as in section 12863, subsection 1.

[PL 2023, c. 226, §1 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B316 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2005, c. 12, §III30 (AMD). PL 2009, c. 211, Pt. B, §11 (AMD). PL 2017, c. 204, §2 (AMD). PL 2017, c. 441, §§1, 2 (AMD). PL 2017, c. 441, §3 (AFF). PL 2021, c. 162, §§6-8 (AMD). PL 2023, c. 226, §1 (AMD).

§12854. Guides carrying passengers for hire

A guide carrying passengers for hire must be certified in the area of watercraft safety. A guide who has been certified in watercraft safety through the guide license examination process is authorized, without further licensing requirements, to operate a motorboat carrying passengers for hire pursuant to section 13063, subsection 2. A guide license issued to a guide who has been certified in watercraft safety must clearly indicate that the licensee is authorized to operate a motorboat carrying passengers for hire. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12855. Examination

1. Requirement. In order to qualify for a guide license, a person who has not held a valid guide license within the previous 3 years must pass an examination pursuant to this section.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Form. The commissioner shall determine the form and content of the examination.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

3. Location. The commissioner shall designate locations where the examination will be held, except the examination must be held in one of the Inland Fisheries and Wildlife regions if at least 10 applicants reside in that region.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

4. Reexamination. The commissioner may require a guide to be examined or reexamined if the commissioner receives a written complaint and, upon investigation, believes that the guide no longer meets the guide qualifications.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

5. Fee. The examination fee is \$125. The fee is nonrefundable.

[PL 2023, c. 308, §9 (AMD).]

6. Oral examination. If an oral examination is administered, the examination must be conducted by at least 2 trained examiners designated pursuant to section 10153, subsection 5 who are approved by the commissioner or members of the Advisory Board for the Licensing of Guides.

[PL 2023, c. 308, §10 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2023, c. 308, §§9, 10 (AMD).

§12856. Approved curriculum for licensed Maine guides

The commissioner shall approve a curriculum designed to prepare persons for the guide examinations. This curriculum must cover practical skills, fisheries and wildlife laws and other aspects important for the guiding profession. The commissioner shall convene an ad hoc advisory board, as defined under Title 5, section 12008, to develop the curriculum. Nonagency members must be compensated according to Title 5, chapter 379. The commissioner also shall consult with the Department of Education in developing the curriculum. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12857. Hiring guide

1. Prohibition. A person may not hire another person as a guide if the hiring person has knowledge that the person does not hold a valid guide license.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [PL 2003, c. 655, Pt. B, §317 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2003, c. 655, Pt. B, §317 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §317 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B317 (AMD). PL 2003, c. 655, §B422 (AFF).

§12858. Guide license violations

1. Guide license violations. A person licensed as a guide may not violate the following provisions.

A. A person licensed as a guide may not knowingly assist a client in violating any of the provisions of this Part.

(1) If the violation committed by the client is a civil violation, a person licensed as a guide who violates this paragraph commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) If the violation committed by the client is a civil violation, a person licensed as a guide who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

(3) If the violation committed by the client is a criminal violation, a person licensed as a guide who violates this paragraph commits a Class E crime. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. A person licensed as a guide who has knowledge that a client has violated the provisions of this Part shall, within 24 hours, inform a person authorized to enforce this Part.

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

(2) A person who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

C. A person licensed as a guide may not take a party of more than 12 people out on any lake, stream or waterway in the State at any time.

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

(2) A person who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

2. Civil violations.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Criminal violations.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §318 (RP); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B318 (RPR). PL 2003, c. 655, §B422 (AFF).

§12859. Junior Maine guides

1. Eligibility. To qualify as a junior Maine guide, a person must be at least 14 years of age and under 18 years of age, meet the requirements established by the commissioner and pass the required examinations.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Restrictions. A junior Maine guide is not authorized to provide guiding services.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

§12860. Youth camp trip leader permit

1. When permit required. Youth camps licensed by the Department of Health and Human Services under Title 22, section 2495, or located in another state and licensed in a similar manner, if the laws of the other state so require, conducting trip camping shall:

A. Provide at least one staff member over 18 years of age for each 6 campers; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Ensure that the staff member in charge of the trip holds a valid youth camp trip leader permit. [PL 2009, c. 211, Pt. B, §12 (AMD).]

[PL 2009, c. 211, Pt. B, §12 (AMD).]

1-A. Prohibition. A person may not conduct trip camping under subsection 1 without a youth camp trip leader permit issued under this section. Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[PL 2009, c. 211, Pt. B, §12 (AMD).]

2. Application. A person wishing a youth camp trip leader permit must submit an application on forms provided by the commissioner and pay the application fee.

[PL 2009, c. 211, Pt. B, §12 (AMD).]

3. Qualifications. To qualify initially for a youth camp trip leader permit, an applicant must:

A. Show successful completion of an approved youth camp trip leader safety course or complete an application provided by the commissioner outlining in detail the applicant's experience and training as a youth camp trip leader; and [PL 2009, c. 211, Pt. B, §12 (AMD).]

B. Meet any other requirements established by rule by the commissioner. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

[PL 2009, c. 211, Pt. B, §12 (AMD).]

4. Special waiver. Waiver of the course requirement by the commissioner on the basis of the applicant's experience and payment of the application fee qualifies the applicant for a youth camp trip leader permit.

[PL 2009, c. 211, Pt. B, §12 (AMD).]

5. Curriculum. The commissioner shall review and adopt a youth camp trip leader safety course curriculum that includes, but is not limited to:

A. Training in first aid; [PL 2009, c. 652, Pt. A, §16 (RPR).]

B. Training in water safety, including lifesaving techniques as appropriate; and [PL 2009, c. 652, Pt. A, §16 (RPR).]

C. Youth camp trip leader qualifications and required experience for the special waiver procedure in subsection 4. [PL 2009, c. 652, Pt. A, §16 (RPR).]

The commissioner shall publish the curriculum and a current list of courses, with the approved curriculum, by name and address.

[PL 2009, c. 652, Pt. A, §16 (RPR).]

6. Fee. The initial qualifying fee for a youth camp trip leader permit is \$20. The permit may be renewed upon payment of \$15 if requirements of the department are met.

[PL 2009, c. 211, Pt. B, §12 (AMD).]

7. Enforcement. Wardens of the department, the rangers of the Bureau of Forestry and rangers of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may enforce

this section and may terminate any trip that is considered unsafe or in violation of this section. The commissioner shall adopt standards for what is considered an unsafe trip. The commissioner shall consider previous violations of this section when issuing or reissuing youth camp trip leader permits. [PL 2009, c. 211, Pt. B, §12 (AMD); PL 2011, c. 657, Pt. W, §§5, 7 (REV); PL 2013, c. 405, Pt. A, §§23, 24 (REV).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B319 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 12, §III31 (AMD). PL 2009, c. 211, Pt. B, §12 (AMD). PL 2009, c. 369, Pt. A, §28 (AMD). PL 2009, c. 652, Pt. A, §16 (AMD). PL 2011, c. 657, Pt. W, §§5, 7 (REV). PL 2013, c. 405, Pt. A, §§23, 24 (REV).

§12861. Transportation of guide's clients by unlicensed person

(REPEALED)

SECTION HISTORY

PL 2007, c. 532, §1 (NEW). PL 2009, c. 598, §1 (AMD). MRSA T. 12 §12861, sub-§3 (RP).

§12862. Retrieval of wounded or killed bear, deer or moose after hours

Notwithstanding sections 11205, 11206 and 11111, the commissioner may authorize a person licensed to guide hunters under section 12853 whose client during a guided hunt wounds or kills a bear, deer or moose to track and dispatch that animal outside of legal hunting hours. A licensed guide authorized to track a wounded animal pursuant to this section may use one leashed dog for tracking purposes. The commissioner may place conditions and restrictions on tracking activities conducted pursuant to this section to ensure its proper administration and the humane treatment of a wounded animal. [PL 2015, c. 90, §5 (NEW).]

SECTION HISTORY

PL 2015, c. 90, §5 (NEW).

§12863. Educational trip leader permit for schools and postsecondary educational institutions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Educational institution" means a public school or private school, as those terms are defined in Title 20-A, section 1, a postsecondary educational institution or any other educational institution defined by the commissioner by rule under subsection 6. [PL 2021, c. 162, §9 (NEW).]

B. "Outdoor educational trip" means an educational or recreational outdoor trip conducted by an educational institution that includes nonmotorized boating or camping at a primitive camping area but does not include fishing, hunting, trapping or the use of snowmobiles, motorboats or all-terrain vehicles. [PL 2021, c. 162, §9 (NEW).]

[PL 2021, c. 162, §9 (NEW).]

2. Permit required. An educational institution conducting an outdoor educational trip shall provide for every 12 trip participants at least one educational trip leader who holds a permit under this section and who is associated with the educational institution or a person who holds a guide license issued under this chapter.

[PL 2021, c. 162, §9 (NEW).]

3. Prohibition. A person who does not hold a guide license issued under this chapter may not conduct an outdoor educational trip under subsection 2 without an educational trip leader permit issued

under this section. Each day a person violates this subsection, that person commits a civil violation for which a fine of \$50 and an amount equal to twice the applicable license or permit fee may be adjudged. [PL 2021, c. 162, §9 (NEW).]

4. Issuance of permit. The commissioner may issue or reissue an educational trip leader permit to a person who meets the qualifications established by the commissioner by rule under subsection 6 and who pays the fee established under subsection 5. [PL 2021, c. 162, §9 (NEW).]

5. Fee. The initial qualifying fee for a 5-year educational trip leader permit is \$20. The permit may be renewed upon payment of \$20 if the requirements of this section, including requirements in rules adopted under subsection 6, are met. [PL 2021, c. 162, §9 (NEW).]

6. Rules. The commissioner shall adopt rules to implement this section, including but not limited to rules establishing:

- A. An advisory committee made up of persons with relevant expertise to advise the commissioner in the implementation of this section; [PL 2021, c. 162, §9 (NEW).]
- B. Qualifications for a person seeking to obtain an educational trip leader permit, including appropriate preparatory training and any exceptions to such training based on a person's experience; [PL 2021, c. 162, §9 (NEW).]
- C. Qualifications and other necessary standards or requirements relating to persons or entities providing preparatory training in accordance with paragraph B; [PL 2021, c. 162, §9 (NEW).]
- D. Procedures for reviewing and addressing complaints against persons or entities providing preparatory training to persons seeking to obtain educational trip leader permits as well as complaints against educational trip leader permit holders; and [PL 2021, c. 162, §9 (NEW).]
- E. Any other standards, conditions or procedures necessary for the effective implementation and enforcement of this section. [PL 2021, c. 162, §9 (NEW).]

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 162, §9 (NEW).]

7. Enforcement. Wardens of the department and the rangers of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry and Bureau of Parks and Lands may enforce this section and may terminate any trip that is considered unsafe or in violation of this section. The commissioner, who shall take into consideration the advice of the advisory committee established in accordance with subsection 6, paragraph A, shall establish standards for what is considered an unsafe trip and shall consider previous violations of this section when issuing or reissuing educational trip leader permits. [PL 2021, c. 162, §9 (NEW).]

SECTION HISTORY

PL 2021, c. 162, §9 (NEW).

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