**09-137 DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**Chapter 28: EDUCATIONAL TRIP LEADER RULES**

* 1. **. Scope of Rules**

 These rules shall apply to Educational Trip Leader (ETL) Permit holders as described within Title 12 M.R.S. §12863.

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**28.03.** **Definitions**

1. **Educational Institution:** means a public school or private school, as defined in Title 20-A, section 1, a School Administrative Unit (SAU) as defined in Title 20-A, section 1, or postsecondary educational institution, or a similarly defined public or private school from another state or country.
2. **Educational Trip Leader (ETL)**: means an employee or student sponsored and certified by the educational institution in which they are enrolled, employed by or affiliated with, to lead outdoor recreational trips.
3. **Educational Trip Leader Administrator**: means a current registered Maine guide (RMG) recommended by the Educational Trip Leader Advisory Committee and approved by the commissioner, who has oversight of the ETL program.
4. **Educational Trip Leader Instructor (ETL Instructor):** means an RMG or ETL who is certified to train and certify persons at educational institutions to become ETLs.
5. **Educational Trip Leader Permit**: a permit that allows a person affiliated with an educational institution to lead outdoor recreational trips. These permits are issued by the department to persons affiliated with an educational institution within the State of Maine and to those in other states or countries.
6. **Outdoor Educational Trip:** has the same meaning as defined within Title 12 M.R.S. §12863.

**28.04. Educational Trip Leader Advisory Committee**

1. **Committee Established:** The Outdoor Educational Trip Leader Advisory Committee is established and referred to in this Section as “the ETL Advisory Committee”.
2. **Members:** The ETL Advisory Committee shall consist of 7 members designated by the commissioner:
3. One employee of the department;
4. One RMG with educational trip leader experience;
5. One Administrator or ETL representing public postsecondary educational institutions;
6. One Administrator or ETL representing private nonprofit postsecondary educational institutions;
7. One Administrator or ETL representing K-12 public schools;
8. One Administrator or ETL representing K-12 private schools; and
9. One Administrator or ETL who is also a member of the camp trip leader permit Committee as described within DIFW Rule Chapter 23.
10. **Officers:** The ETL Advisory Committee shall elect a chair and secretary from among its members.
11. **Terms.** Members of the ETL Advisory Committee serve for 5 years. Members continue serving until a successor is duly appointed. A member may not serve more than 2 consecutive 5-year terms. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category as the member who vacated the ETL Advisory Committee and that member shall continue to serve for the remainder of the term.
12. **Quorum**. Five members of the ETL Advisory Committee constitute a quorum.
13. **Meetings Held.** The ETL Advisory Committee shall meet at least twice each year.

**28.05. ETL Advisory** **Committee Responsibilities**

1. **ETL Advisory Committee shall:**
	1. Make recommendations to the commissioner, to approve or deny a request to become ETL Administrators, ETL Instructors and ETLs;
	2. Maintain a list of all ETL Administrators and ETL Instructors;
	3. Create the process for testing ETLs;
	4. Create and adopt the ETL training curriculum;
	5. Review and update ETL training curriculum every 5 years;
	6. Review complaints against ETL Administrators, ETL Instructors and ETL permit holders; and
	7. Make recommendations to the commissioner on revocation, suspension, or denial of ETL permits in accordance with Title 12 M.R.S. §12863.
2. **ETL Curriculum Standards.** The ETL training curriculum adopted by the ETL Advisory Committee shall include the following minimum standards:

a. Group management and facilitation;

b. Risk management;

c. Wilderness trip skills;

d. Campcraft skills;

e. Awareness of the Maine outdoor sporting community (such as boating, ATVing, snowmobiling, hunting, fishing and trapping); and

f. Landowner relations

**28.06.** **ETL Administrator Responsibilities**

1. The Administrator will ensure that the Educational Institution sponsors and educates, all ETLs and holds liability insurance for all trips.

2. Coordination of the ETL program including training of ETLs and ETL Instructors and making recommendations on ETL and ETL instructor eligibility to the ETL Advisory Committee.

**28.07. ETL** **Instructor Eligibility and Application Process**

1. To be eligible to be an ETL instructor, an applicant:
	1. Must be at least 18 years old;
	2. Must hold a current ETL permit or be a RMG; and
	3. Must provide required documentation of teaching experience in the field of outdoor recreation and references (as specified by the administrator).
2. An ETL Instructor permit expires 5 years from date of issuance.
3. The application must include the following information:

a. Name, mailing address and date of birth of applicant;

b. Verification of current ETL permit held by applicant or RMG status;

c. List of relevant experience and any required qualifications as provided within Section 28.07;

d. Signature of applicant attesting all information is true and correct; and

e. Signature of ETL Administrator certifying that the applicant meets all the requirements listed in Section 28.07.

**28.08. ETL Permit Eligibility and Application Process**

1. To be eligible to obtain an ETL Permit, an applicant:
	1. Must be at least 18 years of age;
	2. Must have successfully completed the ETL training for the applicable trip(s) being led, as designated by the ETL Advisory Committee; or
	3. Show documentation of having participated in a leadership role, in at least 2 experiences in a wilderness context and show any additional, applicable training and testing received by the applicant;
	4. Must hold a current Wilderness First Aid Certificate or equivalent course certificate;
	5. Must hold a current CPR Certification;
	6. Must have successfully completed water/boating safety instruction:

i. To be qualified to lead trips on inland waters, the applicant shall have successfully completed water/boating safety instruction or equivalent training specific to the watercraft used for the trip; and

ii. To be qualified to lead trips on coastal waters, the applicant shall have coastal water/boating safety instruction or equivalent experience specific to the watercraft used for the trip.

1. The application must include the following information:
	1. Name, mailing address and date of birth of applicant;
	2. Name and address of applicant’s sponsoring educational institution;
	3. Signature of the applicant attesting all information provided is true and accurate; and
	4. Signature of applicant’s sponsoring ETL Administrator verifying that the applicant has met the required minimum qualifications and training.

**28.09. ETL Permit Authorization**

1. A person who possesses a current and valid ETL permit is authorized to conduct outdoor educational trips as defined within Title 12 M.R.S. §12863.

 An ETL Permit entitles the permittee to:

1. Lead outdoor educational trips that do not exceed a maximum 1:12 ETL to student ratio; and
2. Lead outdoor educational trips sponsored by an educational institution which may only include students, faculty, and staff from the same educational institution, or a partnering educational institution which has a current ETL program in place.

2. The permit shall expire June 30th after the 4th full year after issuance;

3. Renewal of Permit: The ETL must submit the renewal application (designated as a renewal application), signed by the ETL Administrator stating that the applicant has completed the ETL training requirements;

4. Exception for Renewal: ETL permits which have not been renewed within three (3) consecutive years after the permit expiration date will not be renewable without the applicant reapplying as specified by the Advisory Committee.

**28.10****. Standards of Competency**

1. Standards of Competency: The following standards of competency are established in accordance with Title 12 M.R.S. §12863 requiring a level of outdoor experience that enables an ETL to lead a group responsibly, while managing and mitigating risk in the outdoors. Failure to comply with these standards of competency shall be grounds for ETL revocation, suspension or denial.

An ETL must:

1. Have technical, safety and organizational skills in outdoor leadership to provide adequate accommodations and lead outdoor trips that best manage and mitigate risk;
2. Have experience based judgment that helps prevent unsafe situations;
3. Have problem solving skills to be creative, resourceful and analytical in order to recognize problems, anticipate outcomes and choose the direction that mitigates risk as much as possible; and
4. Fully understand and abide by all state laws and rules involving the activities led by an ETL.

**28.11. Standards for Revocation, Suspension or Denial and the Appeal’s Process**

1. After review and recommendation by the Advisory Committee the commissioner may deny an application for an ETL permit, ETL instructor permit, or an ETL Administrator authorization if eligibility and application requirements are not met (see section 27.05 and 26.06).
2. After review and recommendation by the Advisory Committee the commissioner may suspend, revoke or refuse to renew an ETL permit, ETL instructor permit, or an ETL Administrator authorization pursuant to this rule chapter and Title 5, section 10004:
3. If the ETL, ETL Instructor or ETL Administrator fails to meet the standards of competency established pursuant to section 28.10;
4. If the ETL, ETL Instructor or ETL Administrator fails to meet the qualifications; or
5. If the ETL, ETL Instructor or ETL Administrator is found to be incompetent, negligent or neglectful in the conduct of ETL activities.
6. A person whose application, permit or authorization is revoked, suspended or denied under this paragraph may request a hearing before the commissioner. Following the hearing, the commissioner may issue, reinstate or allow for renewal an ETL permit, ETL instructor permit or ETL Administrator authorization that has been revoked, suspended or denied if the circumstances warrant. The request for a hearing under this paragraph must be made within 30 days of receipt of the revocation, suspension or denial.
7. Hearings. Hearings may be conducted by the commissioner to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license, permit or authorization, or as otherwise necessary to implement the provisions of this section and section 12863. The commissioner shall hold an adjudicatory hearing at the written request of a person who has been denied a license, permit or authorization without a hearing for any reason other than failure to pay a required fee, as long as the request for hearing is received by the commissioner within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the right to request a hearing. Hearings must be held in accordance with the adjudicatory proceeding provisions of the *Maine Administrative Procedure Act* within Title 5, chapter 375, subchapter 4, to the extent applicable. The commissioner may subpoena witnesses, records and documents in any hearing the commissioner conducts.

STATUTORY AUTHORITY:

 12 MRS §§ 10104, 12863

EFFECTIVE DATE:

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