

Recreation and Regulation:

A Policy Analysis of the Registered Maine Guide Program

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ABSTRACT

This article is a thorough policy analysis of the statutes, rules, and interpretations concerning Maine's Registered Maine Guide (RMG) program, with a focus on the recreational class of guiding. This analysis included a review of similar policies from other states, defining the policy problems, developing alternative solutions, and seeking feedback from key stakeholders via a survey and interviews. This is the first comprehensive policy analysis of the program since a legislative review was completed in the 1980s, and we hope it will establish a new baseline of information from which RMG policy discussions can be based.

created a complex regulatory network. This complexity affects numerous sectors of the outdoor industry, including commercial guides and outfitters, non-profit organizations, and schools. This article will explore the challenges and potential solutions that emerged during a comprehensive policy analysis of the RMG program, with particular focus on the recreation class.

INTRODUCTION

The Registered Maine Guide (RMG) program was created in 1897, and the basics have remained the same for over a century: people who are remunerated for leading others into the woods for specific activities or onto the waterways of the state of Maine must be an RMG.¹ There are now six classifications for different types of activities and specific environments: recreational, sea kayaking, whitewater rafting, hunting, fishing, and tide-water fishing. Though Maine had the first guiding licensure law, other states have followed, providing an opportunity for comparing different regulatory approaches.

The guiding industry in Maine is statewide but is deeply rooted in rural communities. Rural Maine is home to some of the most iconic recreational assets in the state (e.g., Allagash Wilderness Waterway, North Maine Woods, Baxter State Park) that are also go-to destinations for guided experiences. The outdoor recreation economy as a whole, including guiding services, is a critical part of Maine's economy and seen as an important tool for bolstering rural economies that have seen declines to traditional industries such as logging and timber (Boucher et al. 2025; Maine DACF 2019).

Though the core statutory structure around the RMG program has remained relatively straightforward, numerous updates, additions, and exemptions have

Legal Foundations

The RMG recreation class is the license that covers all regulated non-hunting and -fishing activities in Maine. It is required when a guide is remunerated for an outing that involves inland water-based activities (motorized or paddling), snowmobiling, AT-Ving, or if the outing involves overnight camping at primitive sites without potable water. Activity-specific guiding licenses may also be needed if an outing includes leading clients in those activities (e.g., using an ATV while on a hunting outing). Whitewater rafting guide licenses are the outlier in Maine statute: they operate under the *outfitter* model, wherein a guide can only use the permit while under the employment of a licensed whitewater rafting outfitter (MRS Title 12, Chapter 927).

There have been two major exceptions created for the RMG statute, primarily to address the requirements of the recreational guiding class. The camp trip leader (CTL) program was originally established in the 1980s in recognition that it was not realistic for Maine summer camps to hire RMGs for all their outings. The educational trip leader (ETL) program was established in 2020 for the same reasons, but for all educational institutions. In both cases, interested parties did not want the constraints of RMG statute to limit youth participation in outdoor activities and alternative pathways to compliance were established (Erler 2017; Scott et al. 2021). The CTL and ETL programs are overseen by the Department of Inland Fisheries and Wildlife (DIFW) staff and volunteer committees who set permit requirements.

Purpose of Analysis

The purpose of this study was to conduct a policy analysis to explore and define the existing issues in RMG policy and analyze potential alternative solutions, with a particular focus on the recreation classification. The process used Bardach and Patashnik's (2024) eightfold path of policy analysis. The primary author of this study had extensive first-hand knowledge of Maine's guiding regulations, including holding positions that required a recreation class RMG license and being part of the 2020 ETL legislative task force. Following the recommendations of that task force, she served as chair on the newly formed ETL advisory committee. These roles gave her firsthand exposure to and deep understanding of the intricacies of state statutes and rules, as well as interpretations of those rules by DIFW. It was this extensive exposure to the policy structure that alerted the author to issues within current regulations and sparked a desire to study them further.

METHODS

We used a modified policy analysis model. Key steps included defining the problems, determining alternative solutions, and attempting to converge on a solution. The methods employed included literature and policy review, a survey, and interviews.

Defining the Problems

In defining the problems, we identified issues and grouped them into five themes. We then defined and presented these issues as part of a survey.

- Issue A: The use of the word “remuneration” within the statutory definition of Guide—and its interpretation by DIFW—results in many people needing to be a RMG to be in compliance with the law, even if they are not working as commercial guides or as a guide for hire.
- Issue B: A lack of clarity about the purpose of the RMG statute contributes to challenges in regulation and in updating the statute and rules.
- Issue C: The current status of the statutes, rules, and implementation have some equity issues, particularly in regard to the testing process, as well as the implications for members of Wabanaki Nations.
- Issue D: The changing nature of outdoor recreation activities and continual requests for statutory exemptions to the RMG law demonstrate the limitations of the current policies.

- Issue E: The role of education or instruction in outdoor activities is viewed as the same as commercial guiding and in some cases conflicts exist within current statute.

Gathering Data and Constructing Alternatives

The next step in the policy analysis was to assemble evidence, including a review of injury patterns in outdoor activities and gathering data on guiding statutes in other states. This national policy review was conducted in 2024 using comprehensive internet searches for all 50 states, combined with specific terms for different categories of guiding. Multiple searches were conducted until relevant state information was found. If all search terms were used and nothing was found, it was assumed that state did not regulate that category of guiding. The search terms included comprehensive combinations on types of guiding (e.g., recreation or hunting) and “guide” or “guiding” and “registered” or “licensed.”

Four potential alternative solutions were constructed, representing a spectrum of policy solutions from minimal to more dramatic changes from current practice.

- Solution A: Maintain status quo, while collecting more data for future analysis.
- Solution B: Greatly narrow the definition of *who* is required to hold a recreational RMG license (leaving hunting and fishing guiding licenses unchanged).
- Solution C: Change both the definition of *what* guided activities require an RMG and the *guide requirements* to align with objective risk.
- Solution D: Remove all state regulation around recreational guiding.

Though some of these solutions represent multiple policy changes, they were combined into themes of related changes to better facilitate feedback.

Soliciting Feedback

Feedback on the defined issues and alternative solutions was solicited using a survey and interviews through a process approved by the University of Maine's Institutional Review Board (Dillman et al. 2014). Recruitment for the survey occurred through an initial phone call and two follow-up emails. The survey was administered online via Qualtrics with a link sent via email, though participants had the option of completing the survey over the phone with an interviewer. Invitations to participate

in the follow-up interview were sent via email. The sample included nine individuals with deep knowledge of and diverse connections to RMG policies, representing a broad cross-section of the outdoor industry in Maine. For confidentiality, we will not name the organizations these individuals represent or describe their work. As the interviewer had personal knowledge of and opinions about the existing policies, she took steps throughout the analysis process to both be aware of and avoid bias. These steps included seeking feedback from outside sources, especially from those with differing perspectives, and personal reflective note taking. Soliciting feedback was undertaken during the survey and interview processes.

The survey instrument included two main questions pertaining to the defined issues and alternative solutions. The defined issues were listed and participants were asked to rate the severity of those issues on a Likert-type scale (“not an issue at all” to “significant issue,” with no middle choice). An open-ended question allowed participants to explain their reasoning for the perceived severity level of each defined issue. Similarly, the alternative solutions were listed and participants were asked to rate the feasibility of each on a Likert-type scale (“not at all feasible” to “very feasible,” with no middle choice). Feasibility was defined broadly, including both political and administrative feasibility. Again, open-ended questions provided an opportunity for participants to explain their reasoning. For both sections of the survey, a “not applicable or unsure” option was included.

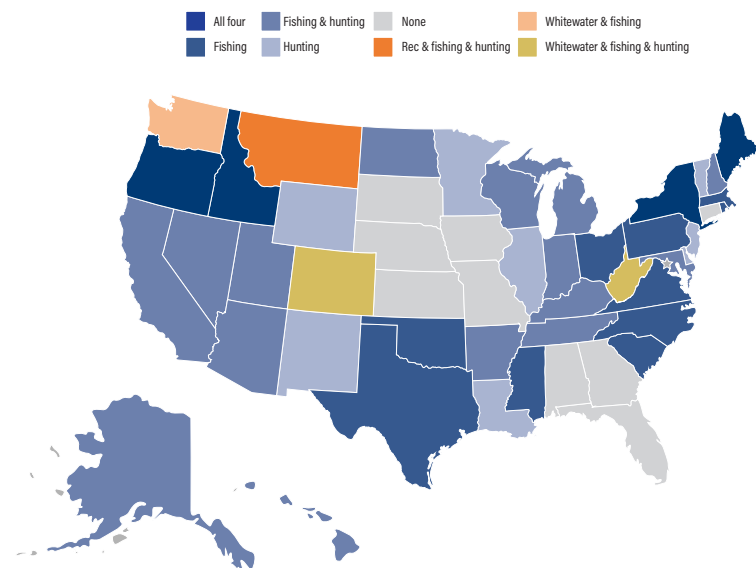
The final step in data gathering included interviews with participants who had completed the survey, allowing the primary author to follow up on questions related to open-ended survey responses. These interviews were semistructured, asking for details on the respondents’ reactions to the defined issues and alternative solutions.

POLICY ANALYSIS RESULTS

Status of Guiding Laws in Other States

Using the relevant online information found on all 50 states and in statute as of 2024, we created a database of state statutes and rules for four categories of guiding (recreation, whitewater, fishing, and hunting) to facilitate comparison with Maine policies. Figure 1

FIGURE 1: Guiding Categories Regulated by Each US State



shows the states that have guiding regulations and how many categories of guiding are regulated.

Beyond those four guiding categories, five overarching types of policy foci emerged from this data: regulation of outfitters; management or conservation of fish and game; licensing only; safety of clients; and miscellaneous. Some states regulated guiding primarily by regulating outfitters that hire guides, the method Maine uses for whitewater rafting. The fish-and-game regulation focus included policies that emphasized conservation (e.g., mandatory reporting of takes). The licensing-only focus referred to state policies where guiding or outfitter applications and licensing fees were required, but the application was minimal or related only to financial requirements (e.g., holding liability insurance). The safety-of-clients focus included policies or statements that clearly indicated safety was a concern of regulation, including testing, previous experience, and certification requirements. A miscellaneous focus was used for state policies that did not fit into other categories (e.g., policies only related to certain public lands).

Every state with recreation or whitewater-type guiding regulations was then placed into one, or in some cases more, of these policy foci (Table 1). Nine states regulated guiding in recreation or whitewater, and some of these states also regulated hunting and fishing.

The state with guiding laws most similar to Maine is New York; two key differences are that New York has a

TABLE 1: **State Policies Regulating Recreational Or Whitewater-Type Guiding**

State	Activities regulated	Focus 1	Justification for focus 1	Focus 2	Justification for focus 2
Maine	Whitewater; recreation (including inland paddling and sea kayaking); hunting; fishing (inland and tidewater)	Safety	Testing process, first-aid requirements for initial application	Outfitter regulation	Uses outfitter regulations for whitewater rafting
Colorado	Whitewater	Safety	Min. 50 hours of on-river training requirement; first-aid training	Outfitter regulation	Uses "river outfitter license" model wherein guides must work for outfitters
Idaho	Boating; and "hazardous desert or mountain excursions"; hunting; fishing;	Outfitter regulation	Recreation-type guides must operate under licensed outfitter	Safety	Listed as primary purpose in "declaration of policy"
Montana	Some boating in some locations; hunting; fishing;	Misc.	Specific licensing rules for activities in certain recreational areas	Fish & game mgmt.	Significant experience required for fishing and hunting guides
New York	Recreation (including ice and rock climbing); whitewater; hunting; fishing	Safety	Extensive training hours, testing, and first-aid requirements		
Oregon	Nearly all commercial outdoor activities are regulated	Outfitter regulation	Operates with a modified outfitter regulatory system	Safety	Current first aid certificate required; extra training documented for whitewater
Vermont	Commercial outdoor guiding on specific types of land	Misc.	Specific licensing rules for activities in certain recreational areas		
Washington	Whitewater; fishing	Safety	Training requirements for whitewater guiding		
West Virginia	Whitewater; hunting; fishing	Licensing Only	License fee, application & proof of insurance required, but minimal other requirements	Outfitter regulation	Both outfitters and guides are regulated

narrower definition of commercial guiding and who needs to be a licensed guide, and it regulates additional activities such as rock climbing.²

Defined Issues Results

The five defined issues presented to study participants included details with explanations and examples of the challenges.

- **Issue A:** Remuneration is defined in the dictionary as “money paid for work or service.” Under this definition, it could be argued that a physical education teacher teaching students how to canoe is not actually being remunerated. They are being paid to be a teacher, but they are not directly being paid for that outing. However, DIFW currently interprets remuneration broadly, including any type of payment (including nonmonetary) for any kind of work or service performed that meets

the definition of needing a guide. For example, in the current interpretation, a Scout leader getting reimbursed for gas money for taking youth on a canoe outing has been remunerated. In this interpretation, that individual would be out of compliance with the statute if they accepted such a reimbursement.

- **Issue B:** Asking “what is the purpose of state regulation of guides?” results in different answers depending on whom you are asking. Responses include protecting the safety of clients, protecting the Registered Maine Guide brand, protecting Maine’s natural resources, and ensuring clients have a positive experience. The history and current requirements of the statute do not bring clarity about the purpose. At its inception, the purpose of the RMG program appears to have been mostly about marketing and branding Maine as an

outdoor-focused tourism destination, including attempting to ensure paying *sports* (i.e., clients) had a positive experience. The RMG lobby has significant political power, and their general opposition to proposals they perceive as diminishing the RMG brand points to branding or marketing as being a significant purpose of the statute. If that is indeed the case, why does the state have a significant regulatory framework for protecting a private industry's brand? Over time, safety training requirements were added for new RMG applicants. However, if safety were a true baseline purpose, the actual requirements would probably be different. (For example, guides are required to have first-aid and CPR certification upon first applying, but they do not have to maintain those certifications.) If the safety of paying participants were the primary concern, it would seem logical that the priorities for regulation would be for the objectively most dangerous nonmotorized outdoor activities like rock climbing, ice climbing, and backcountry skiing in avalanche terrain. None of these nonmotorized activities are currently regulated in the RMG statute. (Note: Though comparable data is challenging to find, motorized outdoor activities including ATV and snowmobiling also have higher injury or fatality rates and are currently regulated by RMG statutes.)

- **Issue C:** Some equity issues have been raised in regard to guide testing, especially in the subjective nature of the oral examination and in the lack of representative diversity of examiners. A separate issue, but one that falls into the equity category, is that Wabanaki tribal members are held to the same statutory requirements, even, for example, when leading their own youth on trips. The Wabanaki were, quite literally, the first guides in Maine and have a long history of leading backcountry trips. The current system holds Wabanaki outdoor leaders to the RMG standard, despite these activities being traditional practices and the statutes being created during a time in which tribal members had little to no political representation.
- **Issue D:** New outdoor activities are developed and popularized regularly. Sometimes, these new activities end up falling under RMG statute even when there is broad agreement that they really do not make sense. A good example is yoga performed on standup paddle boards (SUP yoga). This activity takes place in shallow and typically

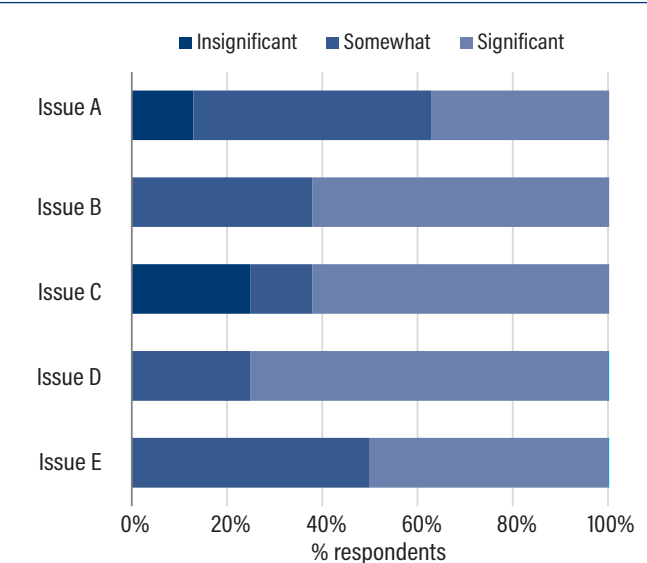
calm water (so the boards can be anchored). Yet, because it is leading an activity on a water body, if the instructor is being remunerated, they must be an RMG. Occasionally those who lead new or evolving activities request an exemption to RMG law. The most recent request was in 2023, when there was a bill to exempt towed water sports (e.g., water skiing) from the RMG law. These legislative requests for exemptions put an additional burden on the legislature, DIFW staff, volunteers asked to serve on task forces, and industry representatives. These generally only address the specific issue at hand without finding solutions to any underlying statutory challenges.

- **Issue E:** Teaching someone to paddle and guiding someone on a paddle trip are viewed as the same kind of activity in RMG statutes. However, many people working in the outdoors actually view these as two distinct activities: the former is educational in nature, whereas the latter is providing someone with an experience. This conflict is especially highlighted in the activity of fishing. For example, for a teacher to take students fishing, they would need to be an RMG, as the ETL program explicitly does not include fishing. DIFW has a process for adults to get students free fishing licenses to *take* them fishing, but the adults cannot legally lead or instruct the students in fishing. DIFW has made it clear they do not intend to cite people for this discrepancy, but there is a disconnect in statute and rule. Another example is a land trust employee leading a naturalist outing by canoe. This person has no recourse in the ETL or CTL exemptions and must be an RMG. However, the focus of the outing is on education, not on guiding a commercial experience. Some of the challenges in this category also relate to issue A (remuneration), but they were pulled into a separately defined problem because of the complexities and additional variables.

Of the nine people in the survey sample, eight responded. All survey respondents categorized all the defined issues as problems. Three issues (B, D, and E) were universally labeled as somewhat an issue or a significant issue (Figure 2).

In open-ended responses to Issue D, participants highlighted the challenges of maintaining a reasonable regulatory structure—whose bones are over 125 years old—amid the evolving nature of outdoor activities.

FIGURE 2: Respondent Perceptions of Five Issues of Current Registered Maine Guide Policy



Issue A: The use of the word remuneration within the statutory definition of Guide results in many people needing to be a RMG to be in compliance
Issue B: A lack of clarity about the purpose of the RMG statute contributes to challenges in regulation and in updating the statute and rules.
Issue C: The current status of the statutes, rules, and implementation have equity issues, particularly in regards to testing and implications for members of Wabanaki tribes.
Issue D: The changing nature of outdoor recreation activities and continual requests for statutory exemptions to the RMG law demonstrate the limitations of the current policies.
Issue E: The role of education/instruction in outdoor activities is viewed as the same as commercial guiding, and in some cases conflicts exist within current statute.

Participant 8 pointed out that “the original framework was for traditional (e.g., hunting and fishing) guiding activities overseen by one agency. It has now expanded beyond one agency’s mission, knowledge, and time.” Others, also identifying the challenges DIFW faces, suggested a need to use existing professional standards (e.g. from the American Canoe Association or American Mountain Guide Association) for regulating activities in which DIFW does not have extensive expertise.

This issue of using existing certifications within the RMG regulatory framework was also raised in response to Issue B. Participant 3 pointed out that “there is a difference between being legal and being competent,” and that “if safety and competence were a priority...IF&W would be interested in partnering with other certifying agencies that actually do prioritize safety and competence...to validate that RMG candidates are competent leaders.” The lack of industry-standard safety regulations in the guide testing process and the challenges with not

having safety as a universally accepted core purpose of the RMG program were recurring themes in responses.

Multiple participants were concerned with the way that current statute curtails educational programming, especially for youth, despite recent efforts related to ETL. Not all youth educational programming happens in schools or licensed camps, so those programs do not have access to the benefits of ETL or CTL permits. Additionally, the ETL statute explicitly exempts fishing, so even educators with an ETL permit cannot legally lead youth on fishing outings.

An issue raised during interviews, and which had not been included in the original defined issues, was about apprentice guides. Under current statute, it is not legal to be remunerated as an apprentice guide (which, under current interpretation, could include free transportation and food for a trip). Participants expressed consternation that ideally policy would actually encourage apprenticeship, as it would result in better-trained guides. One participant believed that apprenticeship should actually be a requirement before one can guide alone.

One recurring theme in discussion on defined issues was that the problems are extensive and cannot easily be addressed in separate silos. Some participants believe a “wholesale revision” of the entire policy is needed. One interview participant stated, “DIF&W, they could save themselves a lot of future headaches if they would instead just redefine the definition of what guiding is in Maine. Just tweak the damn statute. That’s what they ought to do...when you have just a [ton] of people breaking the law, you gotta say, well is this law, is it really worded all that well?” Ideas for alternative solutions frequently made their way into discussion of defined issues; it appeared to be challenging to discuss one without the other.

Alternative Solutions Results

As with the defined issues, detailed explanations of the provided alternative solutions were included in the survey sent to participants.

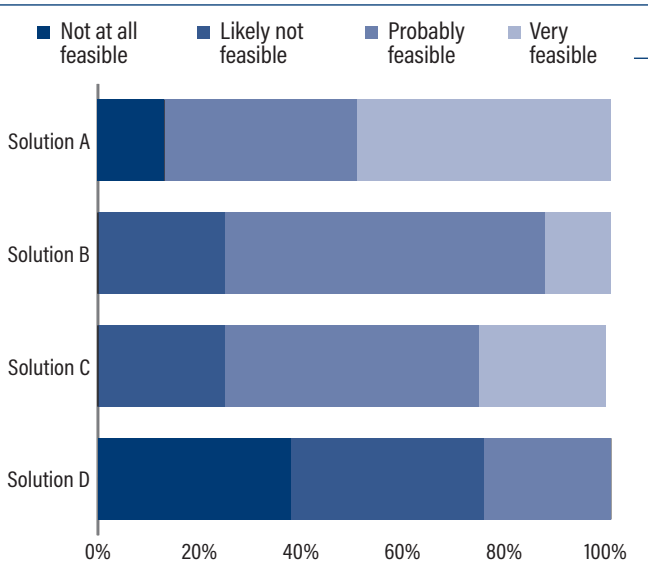
- **Solution A:** Keep statutes and rules as they are. Increase data collection around guide, ETL, and CTL numbers, including the number of licenses or permits issued vs those that are actually used by commercial guides. Keep track of the guide, ETL, and CTL status of people involved in incidents and accidents that require response by law enforcement officers, park rangers, or search-and-rescue

teams. Work to establish consensus around the purpose of the statute and consider making changes from there.

- **Solution B:** Replace “remuneration” with “guide for hire.” Clarify that payment in methods that are not monetary is not hiring a guide. Explicitly exempt instruction and education, *including* in the activities of fishing, hunting, and trapping. (A simple rule of thumb would be that if the leader expects a tip, that is a guide for hire, but situations in which the leader does not expect a tip are more likely to be instruction.) Maintain requirements for ETL and CTL but have them run through the Department of Education (DOE) and Department of Health & Human Services (DHHS), respectively. Explicitly exempt members of the Wabanaki nations from being required to hold a RMG license.
- **Solution C:** Remove flatwater paddling as requiring a RMG (this would remove activities such as SUP yoga from regulation), maintain requirements only for tidal water, whitewater, and motorized boating. Increase safety-related guide requirements to include wilderness first aid (WFA) as a minimum, which must be maintained for license to be valid. Establish activity-specific safety requirements and associated endorsements on license. For example, Professional Climbing Instructors Association (PCIA) or American Mountain Guide Association (AMGA) certifications could be used for rock and ice climbing; American Canoe Association (ACA) certifications could be used for paddling; and relevant motorized activity (snowmobiling, ATV) certifications could be used for motorized trail sports.
- **Solution D:** Remove the recreation class of RMGs. Private groups manage use of related terms, for example, who can use the titles professional Maine guide or Maine wilderness guide.

There was general agreement that most of the alternative solutions lacked feasibility. Alternative solution A was considered most feasible, with 88 percent of respondents labeling it “probably” or “very” feasible. Alternative solution D was considered “not at all” or “likely not” feasible by 75 percent of respondents (Figure 3). In the survey and interviews, participants cited the current RMG program as providing a default “protective status” to guides that makes the industry resistant to change. The phrase “there would be push-back” was a common response to the

FIGURE 3: Respondent Perceptions of Feasibility of Proposed Solutions to Current Registered Maine Guide Policy



Solution A: Maintain status quo, while collecting more data for future analysis.
Solution B: Greatly narrow the definition of who is required to hold a Recreational Guides License (leaving Hunting and Fishing Guiding licenses unchanged).
Solution C: Change both the definition of what guided activities require an RMG and the Guide requirements to align with objective risk.
Solution D: Remove all state regulation around Recreational Class Guiding.

provided alternative solutions. Though Solution A was considered most feasible and generally supported by participants, there were some concerns about the administrative and fiscal burdens of gathering data.

The possible use of third-party certifications, as suggested in Solution C, was discussed at length by multiple participants. Some believed the use of such certifications would help fill gaps in DIFW knowledge and expertise, while raising the relevance and rigor of RMG requirements. Some believed that third-party certifications could, in some instances, be used in place of an RMG license, while others believed that such certifications should instead be used to vet potential RMG applicants. Concerns were raised about the burdens of needing to maintain such certifications and the lack of equivalent or available certifications for some types of outdoor recreation.

One consistent argument against loosening requirements on who needs an RMG license (Solution B) is that it will create a “slippery slope” into rogue or illegal guiding. The open-ended survey and interview responses allowed the interviewer to dig deeper into these

concerns to show two separate concerns: (1) it would open the door to more illegal commercial guiding, and (2) using the stricter remuneration interpretation protects businesses from losing potential clients. The slippery-slope argument is that a person who gives their leader (who might simply be a friend) a six-pack of beer for bringing them down a river is actually a lost client who otherwise might have hired a licensed guide. Some participants believed that this is a valid argument, while others believed this example is not a good argument for maintaining the status quo. As Participant 1 stated, “It’s not feasible...[for a guide] to survive off of 6 packs and someone buying you dinner.” Interestingly, illegal commercial guiding (what would be considered illegal even under a looser “services for hire” definition) was cited by respondents as an ongoing problem for which there is currently not enough oversight and enforcement.

Removing the recreation class of RMG was considered both not feasible and highly undesirable. Multiple participants expressed that though they believe the laws need updating, there is cultural and safety value in the RMG program because the program upholds standards even if imperfectly. As Participant 3 stated, “There’s too much heritage there, right? And I value heritage. I don’t think we should necessarily get rid of it.”

Guide Testing Concerns

Challenges around the current RMG testing process were mentioned briefly in this analysis under the category of equity (Issue C). The primary author viewed these issues of practice and implementation as separate from the statutory problems and did not initially make them a major part of the analysis. However, many participants raised significant concerns about the testing process. One participant, after sharing numerous anecdotes, stated, “I guess I’m being brutally honest here...I just think the whole [testing] process itself, it just doesn’t work.” Concerns centered around two main themes: the lack of actual skill testing of prospective guides and the lack of activity-specific knowledge or objectivity of the testers.

There are individuals (DIFW staff and testers) currently working on updating and improving the guide-testing process, and these efforts can be undertaken separately from efforts to analyze and update the laws. However, this analysis showed that respondents feel these two endeavors are deeply intertwined. Two examples provided by participants demonstrate the interconnectedness of testing processes and the defined policy issues from this analysis. One example raised by multiple

participants is that a highly trained and tested mountain guide (e.g., someone who holds an AMGA certification) cannot guide overnight in Maine without an RMG license, despite that RMG testing content does not cover many of the relevant skills for that activity. Conversely, an RMG can legally lead mountaineering in Maine without demonstrating industry-standard experience, skills, or certifications. Secondly, someone who wishes to lead SUP or canoe trips below the head of tide must pass the sea kayak guiding license, even if they do not plan to actually do any sea kayaking.

RECOMMENDATIONS

Though there was broad agreement that the current status of RMG policies has significant issues, there was little agreement on what was feasible or what would be an ideal potential solution. The most feasible next step identified would be to maintain the status quo and gather more data. One avenue for this could be through the convening of a formal legislative or governor’s commission, similar to what was undertaken in 1988 (Commission 1988).

Convene a New Commission

Ideally a new commission would identify the needed data, oversee collection of that data, and then reconvene to review of key issues and potential solutions identified in the data. One participant in this study stated it would be best for this process to be facilitated by a third-party, as DIFW is really a stakeholder in these discussions, not an impartial observer. Additionally, survey and interview responses in this analysis frequently cited historical contexts and institutional knowledge that would be helpful to support a larger-scale policy review effort. Gathering historical information or having members of the group with deep historical RMG knowledge would be beneficial.

As identified in this analysis, the first issue addressed by a commission should be the lack of consensus on the purpose of the RMG program. If a shared consensus on policy purpose were reached, that purpose could then shape recommendations about the future of RMG policies. For example, if the primary purpose were client safety, the group would need to decide what that means in practice: In which activities is client safety most at risk? What guide requirements would address safety concerns? What safety-related skills would we prioritize in testing?

TABLE 2: **Proposed Alternative Solutions**

Policy change	Justification	Downstream effects	Possible response to downstream effects
Remove “remuneration” in guiding definition and instead use “services for hire.” Clarify that regulation is for those offering commercial experiences; schools and nonprofits offering outings for their members on a not-for-profit basis would be excluded.	Modeled on NY policies; clarifies who is required to be a licensed guide. Simple heuristic is that if the guide would reasonably expect a tip, they are providing a service for hire.	Would remove the requirement for educators to be RMGs; concern about rogue guides on whitewater rivers	If desired to maintain ETL requirements for educators, move to separate statutory ecosystem. Increase efforts to find and cite rogue service-for-hire whitewater guides
Change which activities require a recreational guide license to overnight backcountry; whitewater (Class III or above); motorized sports (e.g., ATV, snowmobiling); open-ocean paddling; high-angle activities. Have separate endorsements for these activities.	Removes the license requirements for calm-water day trips, and adds requirements for high-angle activities (ice and rock climbing). Separating endorsements allows for more specific testing/training requirements.	Testing and training requirements would have to be updated; DIFW may not have skill or knowledge to regulate some of these activities.	Use already available industry-specific training and certifications to vet experience in higher-risk activities (e.g., single-pitch instructor certifications could be used to vet high-angle guides.
Prioritize safety skills in testing and training requirements by making a current wilderness first aid (WFA) certification the minimum standard.	Aligns with the requirements already in place for CTL and ETL and is generally considered the minimum standard for wilderness medicine training for those leading day trips. (Wilderness first responder is considered the standard for those leading backcountry overnight trips.)	Increased on-going training requirements for licensed guides; could increase administrative burden.	Create policies that are explicit about what trainings meet the requirements (e.g., number of hours, hands-on required); modeled on CTL and ETL policies in which permits are only valid when the holder has an up-to-date WFA certification, which would decrease burden on state to check certifications.
Create an apprentice guide exception.	Would increase training opportunities for new commercial guides (increasing safety skills and experience levels) and would help support a pipeline of future guides.	Potential for abuse of program, e.g., having people continually work as apprentice guides without getting licensed.	Create policy limiting the number of field days an apprentice guide can work (total) before they will be required to be fully licensed.

The major challenges to this commission approach are political will, time to build trust between stakeholders, and the funding required for data collection. In conjunction with this process, the RMG testing procedures and requirements could be updated to reflect changes in priorities and purpose of the program. Thus, this process could address both identified statutory and practice and implementation challenges.

Equity

The identified equity issues will require significant trust building and collaborative efforts to address. Though the issues raised around current testing practices could be addressed without concern for the underlying

policies, a more ideal order would be to reshape testing after updates to address statutory challenges, which would ensure that the testing process reflects the consensus built around the underlying purpose of the RMG program.

Conversations related to the status of Wabanaki tribal member guides will need to be particularly sensitive to the cultural, historical, and legally complex roots of these equity concerns. Ideally, Wabanaki tribal members would lead these conversations. The reality of the complex and sensitive nature of this issue may require conversations and work that is adjunctive to the initial task force or commission work.

Alternative Solutions to Consider

Though not considered feasible at this time, the restructuring of some statutory definitions and interpretations, as well as testing and training requirements, would go a long way to remedying current problems. These alternative solutions (Table 2) would address many of the identified issues in this analysis with potential downstream effects that could, with sufficient political will, be manageable.

Limitations and Future Directions

Though the purposeful sample in this study included a range of deeply knowledgeable individuals, its small size was a limitation. Future analysis efforts should include feedback from a larger sample. The potential for interviewer bias was also a limitation though steps were taken to counter that through regular reflection and seeking alternative ideas and feedback. Finally, this issue is complex and hard to break down for survey or interview questions. Future analysis, including further data collection and the work of a potential commission, should provide more space and time to discuss the details of nuanced, complex policy considerations.

CONCLUSIONS

There is broad agreement that the long tradition of the RMG program is an important part of Maine's outdoor and rural heritage, despite the recognition that the current policies have become increasingly complex and insufficient for today's changing outdoor industry. It is less clear on exactly how to proceed from here. This broad support for the RMG program could be used to motivate stakeholders to find consensus around the purpose of guiding policies and leverage that consensus to find forward-leaning policies that are more flexible, sustainable, and administratively achievable that will better support the outdoor recreation industry that is so critical to rural Maine.

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NOTES

- 1 "Registered Maine Guides," Maine Department of Inland Fisheries and Wildlife, <https://www.maine.gov/ifw/programs-resources/registered-maine-guides/index.html>
- 2 "Licensed Guide Program," New York Department of Environmental Conservation, <https://dec.ny.gov/regulatory/permits-licenses/fish-wildlife-plant/licensed-guide-program>

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