## MAINE STATE LEGISLATURE

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1 2 3 4	(After Deadline) (EMERGENCY) SECOND REGULAR SESSION
5 6	ONE HUNDRED AND TENTH LEGISLATURE
7	Legislative Document No. 2140
9	S. P. 981 In Senate, April 5, 1982 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Taken from table by the President and Failed of Passage to be Engrossed. Sent down for concurrence and ordered printed. MAY M. ROSS, Secretary of the Senate Presented by Senator Usher of Cumberland. Cosponsor: Senator Redmond of Somerset.
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12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-TWO
17 18 19	RESOLVE, to Establish a Commercial Whitewater Study Commission.
20 21 22	Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
23 24 25	Whereas, serious environmental degradation of Maine's rafting rivers shall occur if permits for rafting are not limited; and
26 27	Whereas, the increased number of whitewater rafters creates serious safety problems; and

Whereas, this limit must be enacted and enforced

immediately prior to the upcoming season so that a review of the level of activity these rivers may sustain can be made;

creates serious safety problems; and

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and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

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- Sec. 1. Moratorium. Resolved: That after the effective date of this resolve, the Department of Inland Fisheries and Wildlife may not issue any permits for commercial whitewater outfitters under Title 12, section 7362, until the study required under section 5 has been completed; and be it further
- Sec. 2. Study commission created. Resolved: That there is established a commission to study commercial whitewater rafting on the Penobscot and Kennebec Rivers, referred to in this resolve as the commission; and be it further
- Sec. 3. Appointment. Resolved: That the commission shall consist of 10 members, as follows: The Commissioner of Inland Fisheries and Wildlife or his designee; the Commissioner of Conservation or his designee; 2 Senators and 2 public members appointed by the President of the Senate; and 2 Representatives and 2 public members appointed by the Speaker of the House; and be it further

## Sec. 4. Duties. Resolved: That the commission shall:

- 1. Determine the size of the present commercial whitewater rafting industry and study potential future growth of this industry;
- 2. Determine the social, safety, economic and environmental impact of the commercial whitewater rafting industry in Maine, based on the present and potential size of the industry, and identify actual or potential conflicts with other uses of rivers, including fishing, camping and canoeing;
- 3. Determine the carrying capacity of the Penobscot and Kennebec Rivers to support commercial whitewater rafting without undue adverse social, economic, environmental or aesthetic impact, and methods to maintain the industry within this carrying capacity; and
- 4. Make any other studies and evaluations necessary to fully assess the impact and adequacy of current regulations governing the commercial whitewater rafting industry; and be it further

- Sec. 5. Reports. Resolved: That the commission shall present its findings, together with any recommended legislation, to the First Regular Session of the 111th Legislature; and be it further
- 5 Sec. 6. Assistance. Resolved: That the Office of 6 Legislative Assistants shall provide assistance to the com-7 mission in carrying out its charge; and be it further
  - Sec. 7. Acceptance and expenditure of funds. Resolved: That the commission may accept funds from any agency of the United States or from any other public or private source, and may use these funds and any other funds appropriated to the commission to hire personnel, contract services or for other purposes necessary to carry out this resolve.
- 15 Emergency clause. In view of the emergency cited in 16 the preamble, this resolve shall take effect when approved.

## 17 STATEMENT OF FACT

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18 western states have recently 19 rivers. moratoriums on permits to raft their 20 moratoriums have caused rafting companies to seek alternative states and rivers for their operations. Some of these companies bring in groups of up to 800 to raft a river in 21 22 23 Maine's rafting rivers can not sustain this kind 24 of pressure. Facilities are not available to provide essen-25 tial public services to crowds this size and safe conditions for these groups will be impossible to maintain. A commis-26 sion is created by this resolve to review these dangers and the environmental impact of rafting on Maine rivers, to 27 28 29 determine an exceptable level of activity on these rivers and to make recommendations to assure safe conditions for a 30 31 reasonable number of rafting expeditions.

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