

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
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accountant," or any of the abbreviations "CA," "~~PA,~~" "RA," "EA," or "LA," or similar abbreviations likely to be confused with "CPA" or "PA."

Sec. 7. 32 MRSA § 3994, sub-§ 6, as enacted by PL 1967, c. 344, § 1, is repealed.

Sec. 8. 32 MRSA § 3994, sub-§ 8, as enacted by PL 1967, c. 344, § 1, is amended to read:

8. **Words indicating public accountant, partnership, corporation.** No person shall sign or affix a partnership or corporation name, with any wording indicating that it is a partnership or corporation composed of public accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement, unless the partnership or corporation is registered under section 3989 and all of its offices in this State for the practice of public accounting are maintained and registered under section 3989.

Sec. 9. 32 MRSA § 3994, sub-§ 9, as enacted by PL 1967, c. 344, § 1, is repealed.

Sec. 10. 32 MRSA § 3995, last sentence, as enacted by PL 1967, c. 344, § 1, is amended to read:

Persons and corporations performing these services may be styled and known as ~~"accountants," or any other~~ **under any style or designation not prohibited by section 3994.**

Sec. 11. 32 MRSA § 3997, first sentence, as enacted by PL 1967, c. 344, § 1, is amended to read:

Any person who willfully violates any provision of section 3994 shall be guilty of a ~~misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than one year, or by both a Class D crime.~~

Effective September 14, 1979

CHAPTER 518

S. P. 348 — L. D. 1094

AN ACT to Regulate Commercial Whitewater Outfitters.

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

Sec. 1. 12 MRSA § 2053, first ¶, as repealed and replaced by PL 1969, c. 241, § 2 is amended to read:

A guide is any person who receives any form of remuneration for his services in accompanying or assisting any ~~hunter or camper~~ **person** in the fields, forests or on the waters ~~or ice~~ within the jurisdiction of the State ~~or any fisherman in the fields, forests or on the inland waters of the State~~ while **hunting, fishing, camping or pursuing other recreational activities.**

Sec. 2. 12 MRSA § 2053, 6th ¶, as repealed and replaced by PL 1969, c. 241, § 2 is repealed and the following enacted in its place:

The commissioner shall establish classifications of guide licenses, including general guides, whitewater guides and other specialized categories he may designate. Upon receipt of the recommendation of the board of examiners, he may license persons as a general guide or a specialized guide. The commissioner may change the classification of guides from one class to another upon the recommendation of the board of examiners.

Sec. 3. 12 MRSA § 2061, sub-§ 5, first sentence, as enacted by PL 1973, c. 734, § 1 is amended to read:

“Carrying passengers for hire” means the use of a ~~motorboat~~ **watercraft** for the purpose of the carriage of any person or persons as passengers for valuable consideration, whether directly or indirectly flowing to the owner, charterer, agent or any other person interested in the watercraft.

Sec. 4. 12 MRSA c. 308, sub-c. III is enacted to read:

SUBCHAPTER III

COMMERCIAL WHITEWATER OUTFITTERS

§ 2085. Legislative findings

The Legislature finds that:

1. Popular sport. The recreational use of watercraft upon so-called whitewater and other highly turbulent and hazardous section of rivers and streams in this State is becoming an increasingly popular sport;

2. Risks. This sport may pose significant risks, particularly to those members of the public not skilled and knowledgeable in the same;

3. Organized trips. Many watercraft trips are organized and conducted by commercial operators who hold themselves out as possessing the skills and equipment necessary to navigate the waters with reasonable safety; and

4. Safe equipment. Accordingly, the public interest requires that commercial operators who conduct these trips utilize watercraft and equipment which is reasonably safe for these purposes and have sufficient training and skill in the operation of the watercraft and equipment in order to insure the safety of the public.

§ 2086. Licenses

1. **Application.** Any person in the business of conducting whitewater rafting, dory or bateau trips on rapidly flowing rivers shall obtain a license from the commissioner. As used in this section bateau, means a traditional bateau having a minimum of 28 feet from stern-stem to bow-stem.

2. **Guides.** There shall be at least one licensed guide in each watercraft during whitewater rafting trips.

3. **Fee.** The annual fee for a license issued under this section shall be \$250.

4. **Renewal.** The commissioner may grant a renewal of a license issued under this section upon written application and payment of the \$250 fee.

5. **Expiration.** Every license issued under this section shall expire on December 31st of the year for which issued.

6. **Exceptions.** Nothing in this section shall apply to the operation of canoes. This subchapter shall not apply to guides or trip leaders licensed under chapter 307, or motorboat operators licensed under chapter 308, unless these persons are in the business of conducting whitewater trips described in subsection 1.

§ 2087. Safety equipment

1. **Life preservers.** Outfitters shall ensure that each person participating on a whitewater boating or rafting trip wears a securely fastened Type I or Type V personal flotation device.

2. **Throw lines.** Each watercraft shall be equipped with at least one throwline, not less than 50 feet long.

3. **First aid kits.** Each watercraft shall be equipped with an adequate first aid kit.

§ 2088. Violations

Any person who violates the requirements of this subchapter, or of any rule promulgated hereunder, or of any license condition or restriction imposed by the commissioner pursuant to this subchapter, is guilty of a Class E crime.