

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

D OF R.

STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. 215)

COMMITTEE AMENDMENT "A" to S.P. 348, L.D. 1094, Bill, "AN ACT to Regulate Commercial Whitewater Outfitters."

Amend the bill by inserting before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in Maine the popularity of whitewater rafting trips has rapidly increased; and

Whereas, whitewater rafting trips can be hazardous to the participants; and

Whereas, there have recently been serious injuries resulting from these trips; and

Whereas, proper training of the leaders of whitewater rafting trips and certain safety requirements are necessary immediately to protect the safety and welfare of the participants on whitewater rafting trips; and

Whereas, in the judgement 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,

D OF R.

Further amend the bill by striking out everything after the en-
acting clause and inserting in its place the following:

'Sec. 1. 12 MRSA §2053, first ¶, as repealed and replaced by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Sec. 2. 12 MRSA §2053, 6th ¶, as repealed and replaced by
PL 1969, c. 241, §2 is repealed and the following enacted in its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.

(Filing No. 215)

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 in-
directly flowing to the owner, charterer, agent or any other per-
son 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

(Filing No. 215)

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.

2. Guides. There shall be at least 1 licensed guide in each watercraft during whitewater rafting trips.

3. Fee. The annual fee for a license issued under this section shall be \$500.

4. Renewal. The commissioner may grant a renewal of a license issued under this section upon written application and payment of the \$500 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 1 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.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

This amendment simplifies the administrative procedure for licensing commercial whitewater outfitters. It ties the requirements to the existing guide provisions and establishes minimum safety requirements for whitewater rafting trips.

Reported by the Committee on Fisheries and Wildlife.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 31, 1979

(Filing No. S-215)