

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)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1809

6
7 H.P. 1292

House of Representatives, January 10, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Referred to the Committee on Fisheries and Wildlife. Sent up for
concurrence and ordered printed. Ordered sent forthwith.

EDWIN H. PERT, Clerk

11 Presented by Representative McGowan of Canaan.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Improve Whitewater Rafting.
18

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

21 Sec. 1. 12 MRSA §7363, sub-§2, as enacted by PL
22 1983, c. 502, §4, is amended to read:

23 2. Affiliated outfitter. "Affiliated outfitter"
24 means:

25 A. Any outfitter who owns directly, indirectly
26 or through a chain of successive ownership 10% or
27 more of the financial interest in any other
28 outfitter;

29 B. Any outfitter, 10% or more of whose financial
30 interests are owned directly or indirectly or
31 through a chain of successive ownership by any
32 other outfitter;

1 C. Any outfitter, 10% or more of whose financial
2 interests are owned directly or indirectly or
3 through a chain of successive ownership by a per-
4 son who owns 10% or more of the financial inter-
5 est in another outfitter; or

6 D. Any outfitter who, in the year 1982 or there-
7 after:

8 (1) Purchases, leases, borrows, accepts,
9 receives or otherwise obtains on a
10 nonarms-length basis from another whitewater
11 outfitter, either directly or indirectly,
12 more than 1/2 of its real or personal prop-
13 erty; or

14 (2) Receives from another outfitter on a
15 nonarms-length basis more than 1/2 of the
16 ordinary services related to the business of
17 whitewater outfitting, including, but not
18 limited to, mail, telephone, reservations,
19 repair, maintenance, personnel training and
20 management.

21 Provided, that a A person shall not be found to be an
22 affiliated outfitter solely because of blood rela-
23 tionship, marriage or previous employment. An
24 outfitter who purchases the business of another
25 outfitter whose license has been returned to the de-
26 partment as provided in section 7365, subsection 6,
27 shall have 60 days from license reissue to submit an
28 affidavit applying for the selling outfitter's allo-
29 cation, assuring that the level and quality of ser-
30 vices of the selling outfitter will be maintained.
31 If the department transfers the selling outfitter's
32 allocation to the buying outfitter, these transferred
33 allocations shall be added to the buyer's allocations
34 and shall not be considered as affiliated. No
35 outfitter may receive more than the maximum alloca-
36 tion of 80 passengers a day.

37 Sec. 2. 12 MRSA §7367, sub-§4, as enacted by PL
38 1983, c. 502, §4, is repealed.

39 Sec. 3. 12 MRSA §7368, sub-§2-A is enacted to
40 read:

1 2-A. Kennebec River. The recreational use limit
2 on the Kennebec River between Harris Station and West
3 Forks is specified as follows. Noncommercial recrea-
4 tional use is not limited. The commercial limits are:

5 A. Saturdays: 800 commercial passengers;

6 B. Sundays: No limit set; and

7 C. Weekdays: 1,000 commercial passengers.

8 Sec. 4. 12 MRSA §7368, sub-§3, as enacted by PL
9 1983, c. 502, §4, is repealed and the following en-
10 acted in its place:

11 3. West Branch Penobscot River. Whitewater craft
12 shall only be allowed on the West Branch Penobscot
13 River between McKay Station and Pockwockamus Falls
14 between 8:30 a.m. and 5:00 p.m., in order to allow
15 free time for other uses.

16 The recreational use limit of the West Branch
17 Penobscot River between McKay Station and
18 Pockwockamus Falls is specified as follows. Noncom-
19 mercial recreational use is not limited. The commer-
20 cial limit is 560 commercial passengers a day, any
21 day.

22 Sec. 5. 12 MRSA §7369, sub-§10, ¶A, as amended
23 by PL 1983, c. 786, §7, is further amended to read:

24 A. Nonholiday weekday Weekday use, except on the
25 legal holidays of Memorial Day, July 4th and La-
26 bor Day, does not require an allocation so long
27 as the recreational use limit has not been
28 reached. If the department determines the recre-
29 ational use limit of a river will be reached on
30 weekdays, the department shall provide by rule
31 for allocations. For purposes of this subchap-
32 ter, the legal holidays are Memorial Day, July
33 4th and Labor Day.

34 Sec. 6. 12 MRSA §7369, sub-§10, ¶B, as enacted
35 by PL 1983, c. 502, §4, is repealed and the following
36 enacted in its place:

1 The bill clarifies that allocations are required
2 on the legal holidays of Memorial Day, July 4th and
3 Labor Day.

4 The bill permits allocation transfers to the Ken-
5 nebec River under high water conditions on the
6 Penobscot River and prohibits allocation transfers to
7 the Penobscot River under any conditions.

8 The bill removes the privilege of occasionally
9 exceeding allocations.

10 The bill creates a noncommercial whitewater trip
11 registration procedure to monitor private rafting use
12 and to advise rafters that persons offering raft
13 trips for remuneration without appropriate licenses
14 are violating the law.

15 The bill extends the term of the whitewater ad-
16 visory committee to 1990.

17

5067010686