MAINE STATE LEGISLATURE

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H.P. 1292 House of Representatives, January 10, 19 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Referred to the Committee on Fisheries and Wildlife. Sent up for concurrence and ordered printed. Ordered sent forthwith. EDWIN H. PERT, Chemical Presented by Representative McGowan of Canaan. STATE OF MAINE IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SIX AN ACT to Improve Whitewater Rafting. Be it enacted by the People of the State of Maine affollows: Sec. 1. 12 MRSA §7363, sub-§2, as enacted by Filesa, c. 502, §4, is amended to read: 2. Affiliated outfitter. Meffiliated outfitter who owns directly, indirectly or through a chain of successive ownership 10% of more of the financial interest in any other outfitter; B. Any outfitter, 10% or more of whose financial		SECOND F	REGULAR SE	CSSION	
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1 C. Any outfitter, 10% or more of whose financial interests are owned directly or indirectly or through a chain of successive ownership by a person who owns 10% or more of the financial interest in another outfitter; or

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- D. Any outfitter who, in the year 1982 or thereafter:
 - (1) Purchases, leases, borrows, accepts, receives or otherwise obtains on a nonarms-length basis from another whitewater outfitter, either directly or indirectly, more than 1/2 of its real or personal property; or
 - (2) Receives from another outfitter on a nonarms-length basis more than 1/2 of the ordinary services related to the business of whitewater outfitting, including, but not limited to, mail, telephone, reservations, repair, maintenance, personnel training and management.
- Provided, that a A person shall not be found to be an affiliated outfitter solely because of blood relationship, marriage or previous employment. outfitter who purchases the business of another outfitter whose license has been returned to the department as provided in section 7365, subsection 6, shall have 60 days from license reissue to submit an affidavit applying for the selling outfitter's allocation, assuring that the level and quality of services of the selling outfitter will be maintained. If the department transfers the selling outfitter's allocation to the buying outfitter, these transferred allocations shall be added to the buyer's allocations and shall not be considered as affiliated. No outfitter may receive more than the maximum allocation of 80 passengers a day.
- Sec. 2. 12 MRSA §7367, sub-§4, as enacted by PL 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 1983, c. 502, §4, is repealed and the following enacted in its place:
- 3. West Branch Penobscot River. Whitewater craft shall only be allowed on the West Branch Penobscot River between McKay Station and Pockwockamus Falls between 8:30 a.m. and 5:00 p.m., in order to allow free time for other uses.
- The recreational use limit of the West Branch
 Penobscot River between McKay Station and
 Pockwockamus Falls is specified as follows. Noncommercial recreational use is not limited. The commercial limit is 560 commercial passengers a day, any
 day.
- 22 Sec. 5. 12 MRSA §7369, sub-§10, ¶A, as amended 23 by PL 1983, c. 786, §7, is further amended to read:
- Nonholiday weekday Weekday use, except on the 24 25 legal holidays of Memorial Day, July 4th and Labor Day, does not require an allocation so long 26 as the recreational use limit has not been reached. If the department determines the recre-27 28 29 ational use limit of a river will be reached on weekdays, the department shall provide by rule 30 31 allocations. For purposes of this subchap-32 ter, the legal helidays are Memorial Day, July 33 4th and Labor Day-
- Sec. 6. 12 MRSA §7369, sub-§10, ¶B, as enacted by PL 1983, c. 502, §4, is repealed and the following enacted in its place:

- B. Under high or low-water conditions on the Penobscot River, an emergency swap of an allocation may be made to the Kennebec River, provided that sufficient water is available there. Under no circumstances may a transfer of an allocation be allowed from the Kennebec River to the Penobscot River.
- 8 Sec. 7. 12 MRSA §7369, sub-§10, ¶C, as enacted 9 by PL 1983, c. 502, §4, is repealed.
- 12 Noncommercial whitewater rafting trips; pri-13 or registration required. Any person without a comwhitewater outfitter's license using 14 mercial 15 whitewater craft on any stretch of river for which specific allocation is required, and including days for which an allocation is not required, shall, prior 16 17 18 to launching the craft, file a noncommercial trip registration form with the department. The form shall 19 20 that the person's use of whitewater craft on state 21 this river stretch does not constitute a commercial whitewater trip as defined in section 7363 and shall 22 23 be signed by all persons using the craft.
- 24 Sec. 9. 12 MRSA §7369-A, sub-§4, as enacted by 25 PL 1983, c. 502, §4, is amended to read:
- 26 4. <u>Sunset.</u> The Whitewater Advisory Committee 27 shall terminate June 30, 1986 1990.

28 STATEMENT OF FACT

- This bill modifies the definition of affiliate outfitters to exclude those buying outfitters to whom the Department of Inland Fisheries and Wildlife has transferred a selling outfitter's allocation.
- The bill removes the requirement for the department to implement a public information program on whitewater trip safety.
- The bill deletes nonregulatory language describing the recreational use limit.

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

The bill permits allocation transfers to the Kennebec River under high water conditions on the Penobscot River and prohibits allocation transfers to the Penobscot River under any conditions.

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

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

The bill extends the term of the whitewater advisory committee to 1990.

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