

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 1278, L.D. 1795)
(New Title)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No. 2254

H.P. 1600 House of Representatives, March 24, 1986
Reported by Representative Cooper from the Committee on Judiciary
and printed under Joint Rule 2. Original bill sponsored by Representative
McGowan of Canaan.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Concerning Liability Insurance for
Commercial Whitewater Outfitters.

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

Whereas, current state rules require commercial whitewater outfitters to have liability insurance; and

Whereas, such insurance is not currently available for purchase by Maine outfitters because insurance providers will not now write liability insurance policies for rafting activities; and

Whereas, outfitters required by state rules to have liability insurance who cannot purchase this insurance will not be able to operate unless the lia-

1 bility insurance requirement is abated until this in-
2 surance is again available for purchase; and

3 Whereas, in the judgment of the Legislature,
4 these facts create an emergency within the meaning of
5 the Constitution of Maine and require the following
6 legislation as immediately necessary for the preser-
7 vation of the public peace, health and safety; now,
8 therefore,

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

11 12 MRSA §7365, sub-§2-A is enacted to read:

12 2-A. Insurance requirements. The following ap-
13 plies to requirements for maintenance of liability
14 insurance by commercial whitewater outfitters.

15 A. If at any time any liability insurance re-
16 quired by this subchapter or by rules promulgated
17 in accordance with this subchapter is not availa-
18 ble for purchase by a commercial whitewater
19 outfitter, liability insurance may not be re-
20 quired of a commercial whitewater outfitter as a
21 condition of licensure.

22 B. To be exempt from any statutory or regulatory
23 requirement under this subchapter to obtain lia-
24 bility insurance, a commercial whitewater
25 outfitter must:

26 (1) Obtain a written statement from its in-
27 surance representative that liability insur-
28 ance is not available for purchase and file
29 the statement with the commissioner; and

30 (2) Provide a written disclosure to passen-
31 gers before a rafting trip that the
32 outfitter does not have liability insurance.
33 A written disclosure must be provided to
34 passengers upon their requests for reserva-
35 tions. The disclosure must be conspicuous.
36 A disclosure must be signed before a rafting
37 trip by each passenger or by a parent or
38 guardian of the passenger if the passenger
39 is a minor and the signed disclosure must be

