

# 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)



# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

---

Legislative Document

No. 1055

S.P. 378

Received by the Secretary, March 8, 1991

Referred to the Committee on Fisheries and Wildlife and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CLARK of Cumberland

Cosponsored by Senator TWITCHELL of Oxford and Representative CLARK of Millinocket.

---

STATE OF MAINE

---

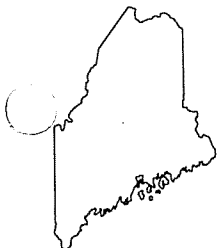
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Protect the Public's Rights on Whitewater Rivers of the State.**

---

Printed on recycled paper



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

2

3           Sec. 1. 12 MRSA §7365, sub-§2-A, as repealed and replace by PL  
4 1989, c. 883, §3, is amended to read:

6           2-A. Insurance requirements. All outfitters shall carry  
7 liability insurance covering the operation of whitewater trips  
8 and motor vehicles carrying passengers. The department--shall  
9 establish,--by--rule,--the minimum limits limit of liability  
10 insurance coverage must be in the amount of \$500,000 per  
11 occurrence.

12

13           Sec. 2. 12 MRSA §7365, sub-§7, as amended by PL 1983, c. 786,  
14 §1, is repealed and the following enacted in its place:

16           7. Affiliated outfitters. The department may not license  
17 affiliated outfitters for operations on any rapidly flowing  
18 river. Operation of an affiliated outfitter on any rapidly  
19 flowing river is prohibited and subject to penalty under section  
20 7370-A.

22           Sec. 3. 12 MRSA §7369, sub-§6, as amended by PL 1983, c. 786,  
23 §5, is further amended to read:

24

25           6. Allocation procedure. ~~Except for the initial allocation~~  
26 ~~in 1983, which shall be governed by subsection 4, the~~ The  
27 department shall award allocations to licensed outfitters on the  
28 basis of the criteria established in this section. Any outfitter  
29 desiring an allocation shall submit a proposal to the department  
30 in the year preceding the year for which the allocation is  
31 desired, on or before a date specified by rule. Allocations  
32 shall ~~be~~ are awarded on or before December 1st, but, if any open  
33 allocation remains, it may be awarded at any time. Allocations  
34 shall ~~be~~ are awarded in accordance with the Maine Administrative  
35 Procedure Act, Title 5, chapter 375, subchapter V. The  
36 department shall hold at least one public hearing prior to final  
37 issuance of allocations. The department shall promulgate rules as  
38 necessary to facilitate the allocation process.

40 ~~Based on the demand for noncommercial public use, the~~ The  
41 department shall set aside up ~~to~~ 10% of the recreational use  
42 limit on any particular rapidly flowing river for noncommercial  
43 public use ~~of whitewater-raft.~~

44

46

#### STATEMENT OF FACT

48           This bill establishes a minimum limit of liability insurance  
49 coverage for commercial whitewater outfitters in the amount of  
50 \$500,000.

2           This bill prohibits the operation of an affiliated outfitter  
on any rapidly flowing river.

4           This bill also clarifies the provision in the existing law  
that mandates the department to set aside 10% of the recreational  
6           use limit for noncommercial public use.