

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

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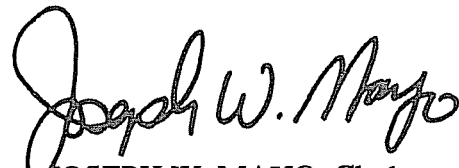
H.P. 630

House of Representatives, March 10, 1993

**An Act to Amend the Allocation System for Commercial Whitewater  
Outfitters.**

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Reference to the Committee on Fisheries and Wildlife suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative CARROLL of Gray.

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

2  
4       Sec. 1. 12 MRSA §7369, sub-§7, ¶A, as amended by PL 1989, c.  
883, §12, is further amended to read:

6       A. Individual proposals shall must be evaluated according  
8 to the following specific criteria:

10       (1) The experience of the outfitter and any employee  
12 in providing whitewater trips on the river or rivers  
14 for which the allocation is sought, including, but not  
16 limited to, such factors as the number of trips and  
18 passengers carried, length of time as an outfitter,  
safety record and experience of guides and staff. The  
company experience of only one company within an  
affiliated group at the time of that experience may be  
counted as company experience for purposes of  
allocation;

20       (2) The experience of the outfitter and any employee  
22 in providing whitewater trips on rivers other than  
24 those for which the allocation is sought, including,  
26 but not limited to, such factors as the number of trips  
28 and passengers carried, length of time as an outfitter,  
safety record and experience of guides and staff. The  
company experience of only one company within an  
affiliated group at the time of that experience may be  
counted as company experience for purposes of  
allocation;

30       (3) The safety record of the outfitter and any  
32 employee in whitewater outfitting or similar  
34 enterprises;

36       (4) The financial investment of the outfitter in  
38 equipment, training, insurance, facilities and services  
directly related to commercial whitewater rafting  
trips;

40       (5) Ability of the outfitter to serve the interests of  
42 the State by providing safe, economical,  
44 environmentally sound commercial whitewater trips on  
the particular river or rivers;

46       (6) Ability of the outfitter to serve the interests of  
48 the consuming public by providing a type of trip  
experience that is in the public interest as determined  
by the department;

2 (7) When allocations are considered for subsequent  
4 years, the performance of the outfitter in providing  
6 the services proposed for the previous allocations and  
compliance with the terms of the allocations, including  
the submission of required reports and fees on time;  
and

8 (8) Other matters which that in the judgment of the  
10 department relate to orderly business development,  
including growth, new entry or extreme hardship on the  
part of an applicant; and

12 (9) Notwithstanding any other provisions of this  
14 section, the department must award a minimum allocation  
16 for a particular rapidly flowing river to an outfitter  
18 that carries 150 or more passengers on that river in  
20 each of any 3 years of the 5 years preceding the  
allocation period for which the outfitter seeks an  
allocation. To receive an additional allocation above  
a minimum allocation, an outfitter must meet the  
criteria established in this section.

22  
24 **Sec. 2. 12 MRSA §7369, sub-§10, ¶A, as repealed and replaced  
by PL 1989, c. 883, §15, is amended to read:**

26 A. Allocations are required for Saturdays for the period of  
28 June July 8th to August 31st. Allocations are required for  
Sundays on the Penobscot River for the period of June July  
30 8th to August 31st. If the department determines that the  
recreational use limit will be reached other days, the  
department shall provide by rule for allocations.

32 **Sec. 3. 12 MRSA §7369, sub-§10, ¶D, as enacted by PL 1983, c.**  
34 **786, §8, is repealed.**

36  
38 **STATEMENT OF FACT**

40 This bill establishes a minimum allocation award to all  
42 outfitters who have carried 150 or more passengers per year in at  
least 3 of the 5 years preceding an allocation period. The  
specific minimum allocations for each river are set out in the  
existing laws.

44  
46 The bill also reduces the allocation period by eliminating  
the requirement for allocations before July 8th. This change  
permits new outfitters an opportunity to compete during a period  
48 of low recreational use of the river.