

MAINE STATE LEGISLATURE

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R. d. S.

L.D. 1820

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DATE: March 18, 1996 (Filing No. S- 486)

INLAND FISHERIES AND WILDLIFE

Reported by: Senator MICHAUD of Penobscot for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 719, L.D. 1820, Bill, "An Act to Amend the Laws Concerning Commercial Whitewater Rafting"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, this Act must take effect prior to the whitewater rafting season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §7369, sub-§2, as amended by PL 1989, c. 883, §11, is further amended to read:

2. Allocation required; affiliated outfitters restricted. Except as provided in subsection 10, operation of a commercial whitewater trip on the Kennebec River between Harris Station and West Forks or on the West Branch Penobscot River between McKay Station and Pockwockamus Falls without an allocation or in excess of an allocation is prohibited. An allocation is not required

COMMITTEE AMENDMENT

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2 for other rivers or for other stretches of those rivers. Net
3 ~~more than one member of an affiliated group~~ Two outfitters, but
4 not more than 2, may form an affiliated group and may conduct
5 whitewater trips on any river or stretch of river for which a
6 specific allocation is required, even on days for which an
7 allocation is not required, if both outfitters have been awarded
8 allocations for that river and the department determines that the
9 affiliation will not result in a violation of subsection 10,
10 paragraph G.

11 A violation of this subsection occurs at the time 2 or more
12 members of an affiliated group actually conduct whitewater
13 rafting trips on an allocated river. The department may not
14 revoke the license of an affiliated member for a violation of
15 this subsection unless that violation involved the failure by a
16 member of that affiliated group to disclose information required
17 by the department to be disclosed at the time of the affiliation.

18 Three or more years after the period of affiliation, the
19 department may, in its discretion, consider requests by any
20 former member of an affiliated group to run passengers on
21 allocated rivers. The burden rests on the former member of an
22 affiliated group to demonstrate that the reasons for any finding
23 of affiliation have been so diminished in effect that the public
24 interest will be served by considering the former member's
25 request to run passengers on an allocated river.

28 **Sec. 2. 12 MRSA §7369, sub-§10, ¶G is enacted to read:**

29 G. Not more than 60% of the recreational use limits for
30 allocated days on the Kennebec River between Harris Station
31 and West Forks and not more than 60% of the recreational use
32 limits for allocated days on the West Branch of the
33 Penobscot River between McKay Station and Pockwockamus Falls
34 may be allocated to affiliated outfitters.

35 **Emergency clause.** In view of the emergency cited in the
36 preamble, this Act takes effect when approved.'

37 Further amend the bill by inserting at the end before the
38 statement of fact the following:

41 **FISCAL NOTE**

42 This bill may increase the number of civil violations filed
43 in the court system. The additional workload and administrative
44 costs associated with the minimal number of new cases filed can
45 be absorbed within the budgeted resources of the Judicial
46

H. of S.

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2 Department. The collection of additional fines may increase
General Fund revenue by minor amounts.'

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STATEMENT OF FACT

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8 This amendment replaces the bill and makes the bill an
emergency.

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12 The amendment allows 2 outfitters, but not more than 2, to
form an affiliated group and conduct whitewater rafting trips on
14 an allocated river if both outfitters have been awarded
allocations for that river and the Department of Inland Fisheries
and Wildlife determines that the affiliation would not result in
more than 60% of the total allocations for that river being held
16 by affiliated outfitters.