

MAINE STATE LEGISLATURE

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AMS

L.D. 1833

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DATE: March 25, 1996 (Filing No. S- 513)

INLAND FISHERIES AND WILDLIFE

Reported by: Senator HALL of Piscataquis for the Committee.

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

COMMITTEE AMENDMENT " A " to S.P. 727, L.D. 1833, Bill, "An Act to Clarify the Definition of Commercial Whitewater Outfitter"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 12 MRSA §7365-A is enacted to read:

§7365-A. Noncommercial organizations that collect dues or fees: commercial whitewater outfitters license not required

Notwithstanding section 7363, subsection 6, an organization that collects dues or fees may conduct rafting trips on rapidly flowing rivers without obtaining a commercial whitewater outfitters license if the commissioner determines under the provisions of this section that the organization is a noncommercial organization. An organization is a noncommercial organization if the commissioner determines that the organization is:

- 1. Tax-exempt nonprofit corporations formed before March 1, 1996. A nonprofit corporation incorporated before March 1, 1996, including any council, troop or other organized local group affiliated with the corporation, that collects dues or fees from its members and for which conducting whitewater rafting is incidental to the purpose of the corporation. The organization wishing to conduct a rafting trip on a rapidly flowing river without a commercial license under the provisions of this subsection must file a written request with the commissioner at least 15 days before conducting that trip. The request must

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2 include the name of the organization conducting the trip and the
3 time, location and number of persons participating in the trip.
4 The commissioner may request any additional information from the
5 organization necessary to make a determination under this
6 subsection. Notwithstanding any other provision of this section,
7 the commissioner may not allow any council, troop or other
8 organized local group affiliated with the corporation to conduct
9 more than 2 whitewater rafting trips in any one calendar year
10 without obtaining a commercial whitewater outfitter's license; or

11 2. Noncommercial whitewater rafting clubs. A qualifying
12 noncommercial whitewater rafting club. A "qualifying
13 noncommercial whitewater rafting club" is a group that collects
14 dues or fees from its members and that the commissioner
15 determines to be organized solely to provide noncommercial
16 whitewater rafting opportunities to its members. To be
17 considered under this subsection, a club must provide to the
18 commissioner the following information before January 1st of each
19 year:

20
21 A. A list that includes the name, legal residence and home
22 telephone number of each member of the club. That list must
23 identify a member as the president of the club and must
24 identify any other officers or board members of the club.
25 An officer or a board member of the club may not be a
26 commercial whitewater outfitter or a licensed whitewater
27 guide. The commissioner may not accept more than one
28 amended membership list from a club in any calendar year.
29 Only those persons whose names appear on a list filed under
30 this paragraph may participate in a rafting trip of that
31 club on any rapidly flowing river;

32
33 B. A statement signed by all board members, if any, and all
34 officers of the club swearing that:

35 (1) The sole purpose of the club is to provide
36 noncommercial whitewater rafting opportunities to its
37 members;

38
39 (2) No member of the club, including officers and
40 board members, receive any form of compensation from
41 the club at any time, either while a member of the club
42 or afterwards;

43
44 (3) The club will use its own rafting equipment and
45 all fees or dues collected from club members are used
46 only to purchase and maintain rafting equipment for use
47 solely by the club; and
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2. A noncommercial whitewater rafting club organized solely to provide whitewater rafting trips to its members. The bill authorizes the commissioner to allow a noncommercial club that collects dues or fees to conduct whitewater rafting trips for its members without a commercial license if the commissioner determines that the sole purpose of the club is to provide noncommercial whitewater rafting opportunities to its members, that members of the club, including officers or board members, if any, will not receive any form of compensation from the club at any time, that the club will use its own equipment, that all fees or dues collected from club members are used only to purchase and maintain rafting equipment for the sole use of the club, that the club will not employ or otherwise compensate any person for service relating to rafting and that the club will not accept gifts of products or services from any commercial whitewater outfitter or licensed whitewater guide. Noncommercial whitewater rafting clubs must file certain information with the commissioner by January 1st of each year, including a list of the name, address and telephone number of each member of the club.

The bill requires the commissioner to place limits on the rafting activities of these organizations, when necessary, including limits on the time, location, safety equipment and number of people that may participate in a rafting trip or to deny a request if granting that request would conflict with the river management goals set forth in the Maine Revised Statutes, Title 12, section 7364.