

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1236

H.P. 879

House of Representatives, February 11, 1999

An Act Concerning Ownership of a Rafting Company.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DUNLAP of Old Town.

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

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

6 **2. Allocation required; affiliated outfitters restricted.**
8 Except as provided in subsection 10, operation of a commercial
10 whitewater trip on the Kennebec River between Harris Station and
12 West Forks or on the West Branch Penobscot River between McKay
14 Station and Pockwockamus Falls without an allocation or in excess
16 of an allocation is prohibited. An allocation is not required
18 for other rivers or for other stretches of those rivers. Not
20 Except as provided under subsection 13, not more than one member
22 of an affiliated group may conduct whitewater trips on any river
24 or stretch of river for which a specific allocation is required,
26 even on days for which an allocation is not required.

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

26 **Sec. 2. 12 MRSA §7369, sub-§13** is enacted to read:

28 **13. Exception; affiliated outfitters.** The affiliated
30 outfitters in an affiliated group may operate whitewater trips on
32 the same river or stretch of river for which specific allocations
34 are required if:

34 A. The number of affiliated outfitters in the affiliated
36 group does not exceed 2;

36 B. A person with majority ownership in one affiliated
38 outfitter in the affiliated group does not hold a majority
40 ownership in the 2nd affiliated outfitter in the affiliated
42 group; and

42 C. The affiliated outfitters in the affiliated group are
44 issued allocations for the river or stretch of river.

44 An affiliated outfitter to which this exception applies may be
46 issued the maximum number of allocations permitted for that river
48 or stretch of river.

SUMMARY

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4 This bill allows affiliated whitewater rafting operations to
6 operate whitewater trips on the same river for which allocations
8 are required if the number of outfitters who are affiliated does
10 not exceed 2; a person with majority ownership in one affiliated
12 outfitter does not hold a majority ownership in the other
 affiliated outfitter; and the affiliated outfitters are issued
 allocations for the river or stretch of river. An affiliated
 outfitter who operates under these provisions may be issued the
 maximum number of allocations permitted for that river or stretch
 of river.