

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2065

H.P. 1449

House of Representatives, December 21, 2007

An Act To Clarify the Filing Requirements for Noncommercial Whitewater Rafting Organizations

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLETT of Waterford.
Cosponsored by Senator HASTINGS of Oxford and
Representatives: HAMPER of Oxford, HAYES of Buckfield.

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

2 **Sec. 1. 12 MRSA §12908, sub-§2,** as affected by PL 2003, c. 614, §9 and
3 amended by c. 655, Pt. B, §328 and affected by §422, is further amended to read:

4 **2. Noncommercial whitewater rafting club.** An organization is a "noncommercial
5 organization" if the commissioner determines that the organization is a qualifying
6 noncommercial whitewater rafting club. A "qualifying noncommercial whitewater
7 rafting club" is a group that collects dues or fees from its members and that the
8 commissioner determines to be organized solely to provide noncommercial whitewater
9 rafting opportunities to its members. To be considered under this subsection, a club must
10 provide to the commissioner the following information ~~before January 1st of each year:~~

11 A. ~~A- By January 1st of each year the club intends to operate a whitewater rafting~~
12 ~~trip, a list that includes the name, legal residence and home telephone number of each~~
13 ~~dues-paying officer and board member of the club. That list must identify a member~~
14 ~~as the president of the club and must identify any other officers or board members of~~
15 ~~the club. A commercial whitewater outfitter or a licensed whitewater guide is~~
16 ~~ineligible to be an officer or a board member of the club. The commissioner may not~~
17 ~~accept more than one amended membership officer and board member list from a~~
18 ~~club between April 1st and November 1st;~~

19 A-1. By December 31st of each year the club operated a whitewater rafting trip, a list
20 that includes the name, legal residence and home telephone number of every person
21 who was a dues-paying member during the calendar year ending that December 31st.
22 The commissioner may not accept more than one amended membership list per year
23 from a club;

24 B. ~~A- Before January 1st of each year the club intends to operate a whitewater~~
25 ~~rafting trip, a statement signed by all board members, if any, and all officers of the~~
26 ~~club swearing that:~~

27 (1) The sole purpose of the club is to provide noncommercial whitewater rafting
28 opportunities to its members;

29 (2) No member of the club, including officers and board members, receives any
30 form of compensation from the club at any time, either while a member of the
31 club or afterwards;

32 (3) The club will use its own rafting equipment, and all fees or dues collected
33 from club members are used only to provide insurance and to purchase and
34 maintain rafting equipment for use solely by the club; and

35 (4) The club will not employ or otherwise compensate any person for any
36 service relating to rafting or accept any gifts of products or services from any
37 commercial whitewater outfitter or licensed whitewater guide; and

38 C. ~~Any Before January 1st of each year the club intends to operate a whitewater~~
39 ~~rafting trip, any other information the commissioner determines necessary. If the~~
40 ~~club is an incorporated entity, the commissioner shall require the club to submit a~~
41 ~~copy of the club's articles of incorporation. The commissioner may not consider any~~

1 incorporated entity other than a tax-exempt, nonprofit corporation as a
2 noncommercial whitewater rafting club.

3

SUMMARY

4 Current law requires a club that desires to qualify as a noncommercial whitewater
5 rafting club, and thus be exempt from the requirement of obtaining a commercial
6 whitewater outfitter's license, to file a list of all of its dues-paying members by January
7 1st of each year, prior to the start of the whitewater rafting season.

8 This bill maintains the January 1st filing requirement for officers and board members
9 of the club, but allows the club to file a list of the other members annually by December
10 31st, after the whitewater rafting season.