

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 652

H.P. 444

House of Representatives, February 26, 2013

**Resolve, To Establish the Advisory Committee To Update Rules
Regulating Commercial Whitewater Rafting**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McCABE of Skowhegan.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Advisory Committee To Update Rules Regulating Commercial
4 Whitewater Rafting is created in this resolve to review and propose updates to the rules
5 regulating commercial whitewater rafting; and

6 **Whereas,** the advisory committee must be established before the 90-day period
7 expires in order that the review may be completed and a report submitted in time for
8 submission to the next legislative session; and

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

13 **Sec. 1. Advisory Committee To Update Rules Regulating Commercial**
14 **Whitewater Rafting established. Resolved:** That, notwithstanding Joint Rule 353,
15 the Advisory Committee To Update Rules Regulating Commercial Whitewater Rafting,
16 referred to in this resolve as "the advisory committee," is established; and be it further

17 **Sec. 2. Advisory committee membership. Resolved:** That the advisory
18 committee consists of 11 members appointed as follows:

19 1. Five members appointed by the President of the Senate as follows:

20 A. One member of the Senate;

21 B. One member from the Department of Inland Fisheries and Wildlife, from a list of
22 nominees provided by the Commissioner of Inland Fisheries and Wildlife;

23 C. One member who represents a commercial whitewater outfitter that receives
24 allocations pursuant to the Maine Revised Statutes, Title 12, chapter 929;

25 D. One member who represents a small commercial whitewater outfitter; and

26 E. One member who represents the interests of the fishing community; and

27 2. Six members appointed by the Speaker of the House of Representatives as
28 follows:

29 A. Two members of the House of Representatives;

30 B. One member from the Department of Inland Fisheries and Wildlife, from a list of
31 nominees provided by the Commissioner of Inland Fisheries and Wildlife;

32 C. One member who represents a commercial whitewater outfitter that does not
33 receive allocations;

34 D. One member who represents a large commercial whitewater outfitter; and

35 E. One member who represents the interests of landowners along the inland waters
36 of the State; and be it further

1 **Sec. 3. Chairs. Resolved:** That the Senate member is the Senate chair and the
2 first-named House of Representatives member is the House chair of the advisory
3 committee; and be it further

4 **Sec. 4. Appointments; convening of advisory committee. Resolved:** That
5 all appointments must be made no later than 30 days following the effective date of this
6 resolve. The appointing authorities shall notify the Executive Director of the Legislative
7 Council once all appointments have been completed. After appointment of all members,
8 the chairs shall call and convene the first meeting of the advisory committee. If 30 days
9 or more after the effective date of this resolve a majority of but not all appointments have
10 been made, the chairs may request authority and the Legislative Council may grant
11 authority for the advisory committee to meet and conduct its business; and be it further

12 **Sec. 5. Duties. Resolved:** That the advisory committee shall review and propose
13 updates to the rules regulating the commercial whitewater rafting industry; and be it
14 further

15 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
16 necessary staffing services to the advisory committee; and be it further

17 **Sec. 7. Report. Resolved:** That, no later than December 4, 2013, the advisory
18 committee shall submit a report that includes its findings and recommendations, including
19 suggested legislation, for presentation to the Second Regular Session of the 126th
20 Legislature.

21 **Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.

23 **SUMMARY**

24 This resolve establishes the Advisory Committee To Update Rules Regulating
25 Commercial Whitewater Rafting.