

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

section 2061, subsection 4, does not apply.

Sec. 2. 20-A MRSA §15904, sub-§4, ¶E, as repealed and replaced by PL 1985, c. 506, Pt. B, §§16 and 18, is amended to read:

E. The school administrative unit shall be responsible for the local share of debt service allocation to be calculated in accordance with the School Finance Act of 1985 state law.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 6, 1986.

CHAPTER 571

H.P. 1292 - L.D. 1809

AN ACT to Improve Whitewater Rafting.

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

Sec. 1. 12 MRSA §7363, sub-§2, as enacted by PL 1983, c. 502, §4, is amended to read:

2. Affiliated outfitter. "Affiliated outfitter" means:

A. Any outfitter who owns directly, indirectly or through a chain of successive ownership 10% or more of the financial interest in any other outfitter;

B. Any outfitter, 10% or more of whose financial interests are owned directly or indirectly or through a chain of successive ownership by any other outfitter;

C. Any outfitter, 10% or more of whose financial interests are owned directly or indirectly or through a chain of successive ownership by a person who owns 10% or more of the financial interest in another outfitter; or

D. Any outfitter who, in the year 1982 or thereafter:

(1) Purchases, leases, borrows, accepts, receives or otherwise obtains on a nonarms-length basis from another whitewater outfitter, either directly or indirectly, more than 1/2 of its real or personal property; or

(2) Receives from another outfitter on a nonarms-length basis more than 1/2 of the ordinary services related to the business of whitewater outfitting, including, but not limited to, mail, telephone, reservations, repair, maintenance, personnel training and management.

Provided, that a person shall not be found to be an affiliated outfitter solely because of blood relationship, marriage or previous employment. An outfitter who purchases the business of another outfitter whose license has been returned to the department as provided in section 7365, subsection 6, shall have 60 days from license reissue to submit an affidavit applying for the selling outfitter's allocation, assuring that the level and quality of services of the selling outfitter will be maintained. If the department transfers the selling outfitter's allocation to the buying outfitter, these transferred allocations shall be added to the buyer's allocations and shall not be considered as affiliated. No outfitter may receive more than the maximum allocation of 80 passengers a day.

Sec. 2. 12 MRSA §7367, sub-§4, as enacted by PL 1983, c. 502, §4, is repealed.

Sec. 3. 12 MRSA §7368, sub-§2-A is enacted to read:

2-A. Kennebec River. The recreational use limit on the Kennebec River between Harris Station and West Forks is specified as follows. Noncommercial recreational use is not limited. The commercial limits are:

- A. Saturdays: 800 commercial passengers;
- B. Sundays: No limit set; and
- C. Weekdays: 1,000 commercial passengers.

Sec. 4. 12 MRSA §7368, sub-§3, as enacted by PL 1983, c. 502, §4, is repealed and the following enacted in its place:

3. West Branch Penobscot River. Whitewater craft shall only be allowed on the West Branch Penobscot River between McKay Station and Pockwockamus Falls between 8:30 a.m. and 5:00 p.m., in order to allow free time for other uses.

The recreational use limit of the West Branch Penobscot River between McKay Station and Pockwockamus Falls is specified as follows. Noncommercial recreational use is not limited. The commercial limit is 560 commercial passengers a day, any day.

Sec. 5. 12 MRSA §7369, sub-§10, ¶A, as amended by PL 1983, c. 786, §7, is further amended to read:

A. Nonholiday weekday Weekday use, except on the legal holidays of Memorial Day, July 4th and Labor Day, does not require an allocation so long as the recreational use limit has not been reached. If the department determines the recreational use limit of a river will be reached on weekdays, the department shall provide by rule for allocations. For purposes of this subchapter, the legal holidays are Memorial Day, July 4th and Labor Day.

Sec. 6. 12 MRSA §7369, sub-§10, ¶B, as enacted by PL 1983, c. 502, §4, is repealed and the following enacted in its place:

B. Under high or low-water conditions on the Penobscot River, an emergency swap of an allocation may be made to the Kennebec River, provided that sufficient water is available there. Under no circumstances may a transfer of an allocation be allowed from the Kennebec River to the Penobscot River.

Sec. 7. 12 MRSA §7369, sub-§10, ¶C, as enacted by PL 1983, c. 502, §4, is amended to read:

C. An outfitter may occasionally exceed the allocation by 2 passengers on a trip of up to 40 passengers, or 4 passengers on a trip of up to 80 passengers, to accommodate unexpected friends of passengers problems in booking, provided that the average of the number of passengers carried on an outfitter's 10 best allocated days for each river and for each allocated day of the week does not

exceed his allocation for that river and day. Abuse of this privilege will result in its loss.

Sec. 8. 12 MRSA §7369, sub-§12 is enacted to read:

12. Noncommercial whitewater rafting trips; prior registration required. Any person without a commercial whitewater outfitter's license using a whitewater craft on any stretch of river for which a specific allocation is required, and including days for which an allocation is not required, shall, prior to launching the craft, file a noncommercial trip registration form with the department. The form shall state that the person's use of whitewater craft on this river stretch does not constitute a commercial whitewater trip as defined in section 7363 and shall be signed by all persons using the craft.

Sec. 9. 12 MRSA §7369-A, sub-§4, as enacted by PL 1983, c. 502, §4, is amended to read:

4. Sunset. The Whitewater Advisory Committee shall terminate June 30, ~~1986~~ 1990.

Sec. 10. Allocation. The following funds are allocated for the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

1986-87

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Bureau of Warden Services	
Personal Services	\$300
All Other	<u>300</u>
TOTAL	\$600

Effective July 16, 1986.

CHAPTER 572

H.P. 1223 - L.D. 1730

AN ACT to Revise the Maine Apiary Laws.

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