

MAINE STATE LEGISLATURE

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O N E - H U N D R E D T H L E G I S L A T U R E

Legislative Document

No. 1282

H. P. 934

House of Representatives, February 7, 1961

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Moore of Casco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

**AN ACT Relating to Liability of Landowners Towards Hunters, Fishermen,
Trappers, Campers, Hikers or Sightseers.**

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

R. S., c. 37, § 152, additional. Chapter 37 of the Revised Statutes, as revised, is amended by adding a new section 152, to read as follows:

‘Liability of Landowners.

Sec. 152. No duty to keep premises safe for hunters, trappers, fishermen, campers, hikers or sightseers.

I. Safe for entry; no warning. An owner, lessee or occupant of premises owes no duty to keep the premises safe for entry or use by others for hunting, fishing, trapping, camping, hiking or sightseeing, or to give warning of any hazardous condition or use of any structure or activity on such premises to persons entering for such purpose, except as provided in subsection III.

II. Permission. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike or sightsee upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted, except as provided in subsection III.

III. Liability. This section does not limit the liability which would otherwise exist for willful or malicious failure to guard, or to warn against, a

dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp, hike or sightsee was granted for a consideration other than the consideration, if any, paid to said landowner by the State; or for injury caused, by acts of persons to whom permission to hunt, fish, trap, camp, hike or sightsee was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

IV. Injury to person or property. Nothing in this section creates a duty of care or ground of liability for injury to person or property.'