

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 360

H. P. 282

House of Representatives, February 6, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Peterson of Caribou.

Cosponsors: Mr. Pearson of Old Town and Mr. Lougee of Island Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Relating to the Liability of Landowners Permitting the Use of their Land
without Fee by Clarifying the Term Recreational Activities.**

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

Sec. 1. 12 MRSA § 3002, as repealed and replaced by PL 1969, c. 504, § 21-A, is amended to read:

§ 3002. No duty to keep premises safe or give 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, sight-seeing, operation of snow traveling vehicles or recreational activities, **including, but not limited to, boating, sailing, canoeing, rafting and swimming upon waters standing, flowing through, or adjacent to the premises**, or to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes, except as provided in section 3004.

Sec. 2. 12 MRSA § 3003, as repealed and replaced by PL 1969, c. 504, § 21-A, is amended to read:

§ 3003. Permission as affecting liability

An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or

participate in recreational activities upon such premises, **or upon waters standing, flowing through, or adjacent to these premises, including, but not limited to, boating, sailing, canoeing, rafting and swimming**, 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 section 3004.

Sec. 3. 12 MRSA § 3004, as repealed and replaced by PL 1969, c. 504, § 21-A, is amended to read:

§ 3004. Liability

This chapter 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, sight-see, operate a snow traveling vehicle or participate in recreational activities, **including, but not limited to, boating, sailing, canoeing, rafting and swimming**, 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, sight-see, operate a snow traveling vehicle or participate in recreational activities, **including, but not limited to, boating, sailing, canoeing, rafting and swimming**, 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.

STATEMENT OF FACT

The purpose of this bill is to clarify the term "recreational activities" to make sure that the listed activities come within the meaning of that term.