

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)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 401

H. P. 305

House of Representatives, February 7, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Mitchell of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Extend the Liability Limitations for Ski Areas to Cross-country Ski Areas.

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

Sec. 1. 14 MRSA § 752-B, as enacted by PL 1977, c. 608, § 1, is amended to read:

§ 752-B. Ski areas

All civil actions for property damage, bodily injury or death against a ski area owner or operator or tramway owner or operator or its employees, as defined under Title 26, chapter 5, subchapter V-A, whether based on tort or breach of contract or otherwise, arising out of participation in Alpine or downhill skiing, **Nordic or cross-country skiing**, or the use of a tramway associated with skiing shall be commenced within 2 years after the cause of action accrues.

Sec. 2. 26 MRSA § 488, as amended by PL 1977, c. 608, § 2, is further amended by adding after the first sentence a new sentence to read:

It is also recognized that Nordic or cross-country skiing as a recreational sport may be hazardous to skiers, regardless of all feasible safety measures which can be taken.

Sec. 3. 26 MRSA § 488, 3rd sentence, as amended by PL 1977, c. 608, § 2, is further amended to read:

Except as otherwise specifically provided in this subchapter, each skier shall be deemed to have assumed the risk of and legal responsibility for any injury to his person or property arising out of his participation in Alpine or downhill skiing, **or Nordic or cross-country skiing**, unless the injury or death was actually caused by the negligent operation or maintenance of the ski area by the ski area operator, its agents or employees.

STATEMENT OF FACT

This bill extends the present limitations on liability that apply to downhill skiing to cross-country skiing.