

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)

R 48

L.D. 1809

DATE: 3/23/94

(Filing No. H- 895)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1342, L.D. 1809, Bill, "An Act to Promote the Continued Use of Private Lands for Recreation"

Amend the bill in section 1 in that part designated "~~§159-A.~~" in subsection 1 in paragraph A in the first line (page 1, line 13 in L.D.) by striking out the following: "shall mean" and inserting in its place the following: '~~shall-mean~~ means'

Further amend the bill in section 1 in that part designated "~~§159-A.~~" in subsection 1 by striking out all of paragraph B and inserting in its place the following:

'B. "Recreational or harvesting activities" means recreational activities conducted ~~out-of-doors~~ out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, hiking, sight-seeing, ~~operation--of~~ operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, boating, sailing, canoeing, rafting ~~or~~ biking, picnicking, swimming or activities ~~that--involve~~ involving the harvesting or gathering of forest products. It ~~shall--include~~ includes entry, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial timber harvesting.'

Further amend the bill in section 1 in that part designated "~~§159-A.~~" in subsection 2 in the 2nd line (page 1, line 29 in L.D.) by striking out the following: "shall owe no" and inserting in its place the following: '~~shall-owe--no~~ does not have a'

COMMITTEE AMENDMENT

2 Further amend the bill in section 1 in that part designated
3 "§159-A." in subsection 3 in the last line (page 1, line 36 in
4 L.D.) by striking out the following: "shall" and inserting in
its place the following: 'shall does'

6 Further amend the bill in section 1 in that part designated
7 "§159-A." in subsection 3 in paragraph C in the first line (page
8 1, line 44 in L.D.) by striking out the following: "for" and
inserting in its place the following: 'fer'

10 Further amend the bill in section 1 in that part designated
11 "§159-A." in subsection 4 in the first line (page 1, line 48 in
12 L.D.) by striking out the following: "shall" and inserting in
13 its place the following: 'shall does' and in the 2nd line (page
14 1, line 49 in L.D.) by striking out the following: "which" and
15 inserting in its place the following: 'which that'

18 Further amend the bill in section 1 in that part designated
19 "§159-A." in subsection 5 in the first line (page 2, line 23 in
20 L.D.) by striking out the following: "shall create" and
inserting in its place the following: 'shall-~~create~~ creates'

22
23
24 **STATEMENT OF FACT**

26 This amendment clarifies that if a person uses a landowner's
27 land to conduct commercial timber harvesting, the landowner does
28 not benefit from the limitation of liability provided by the
Maine Revised Statutes, Title 14, section 159-A if that person is
30 injured on the premises.

32 The bill, as amended, allows landowners and their agents to
33 receive consideration in return for allowing others to use the
34 land for recreational or harvesting activities and still retain
35 the limitation of liability. Currently, that limitation of
36 liability of a landowner is available only when no fee is charged
or no consideration is paid, other than consideration paid by the
38 State. The limitation on liability will not cover landowners who
grant an exclusive right to use or exclusive lease to the
40 premises, and then the premises are used primarily for commercial
purposes. For example, the landowner will not be able to avail
42 itself of the limitation on liability if it leases a parcel of
land to an individual who then operates hunting and fishing camps
44 on the land as a commercial activity.

46 This amendment also conforms existing law to current
drafting standards.