

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

Kennebec Journal
Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
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CHAPTER 252

H. P. 1256 — L. D. 1510

AN ACT to Provide for Ancillary Complaints in Second Offense Operating Under the Influence Cases.

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

15 MRSA § 757 is amended by adding at the end the following new paragraph:

An ancillary complaint, information or indictment may be sworn to or signed and filed with the court at any time prior to the imposition of sentence on the principal offense. If a case has been transferred to the Superior Court from the District Court prior to the filing of an ancillary complaint in the District Court, an ancillary complaint may be sworn to and filed in the Superior Court with leave of court at any time prior to the imposition of sentence.

Effective September 14, 1979

CHAPTER 253

H. P. 1350 — L. D. 1588

AN ACT Concerning the Liability of Landowners for Recreational or Harvesting Activities on their Land.

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

Sec. 1. 12 MRSA c. 333, as amended, is repealed.

Sec. 2. 14 MRSA § 159-A is enacted to read:

§ 159-A. Limited liability for recreational or harvesting activities

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms shall have the following meanings.

A. "Premises" shall mean improved and unimproved lands, private ways, any buildings or structures on those lands and waters standing on, flowing through or adjacent to those lands.

B. "Recreational or harvesting activities" shall mean recreational activities conducted out of doors, including hunting, fishing, trapping, camping, hiking,

sight-seeing, operation of snow-traveling vehicles, skiing, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities.

2. **Limited duty.** An owner, lessee or occupant of premises shall owe no duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes.

3. **Permissive use.** An owner, lessee or occupant who gives permission to another to pursue recreational or harvesting activities on the premises shall not thereby:

A. Extend any assurance that the premises are safe for those purposes;

B. Make the person to whom permission is granted an invitee or licensee to whom a duty of care is owed; or

C. 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.

4. **Limitations on section.** This section shall not limit the liability which would otherwise exist:

A. For a willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity;

B. For an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State; or

C. For an injury caused, by acts of persons to whom permission to pursue any recreational or harvesting activities was granted, to other persons 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.

5. **No duty created.** Nothing in this section shall create a duty of care or ground of liability for injury to a person or property.

Effective September 14, 1979

CHAPTER 254

S. P. 530 — L. D. 1589

AN ACT to Expand the Availability of Certain Social Services by Increasing Income Eligibility.

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