

MAINE STATE LEGISLATURE

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"F. The construction, ownership, maintenance or use of: (1) Unimproved land; . . . [and] (3) land, buildings, structures, facilities, or equipment designed for use primarily by the public in connection with public outdoor recreation; * * *"

That is, pursuant to State statute, the Authority as an agency of the State is immune from liability for claims which result from the climbing of Mount Katahdin, an area of unimproved land.

You have also asked whether the Authority would be able to adopt an advisory warning policy whereby the Authority would warn prospective visitors to the Park of adverse weather conditions and then require that such persons reimburse the Authority for any necessary rescue costs which are incurred after such a warning. This is primarily a policy decision for the Authority. If the Authority is interested in pursuing this matter, it appears to me that it would be necessary for some sort of written agreement to be signed whereby a person still wishing to climb Katahdin after an adverse warning would indicate his/her agreement to hold the State harmless and to reimburse the State for expenses for rescue.

If I can be of further assistance, please let me know.

Sincerely yours,



SARAH REDFIELD
Assistant Attorney General

SR:mfe