

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1008

H. P. 776

House of Representatives, February 21, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Evans of Freedom.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Liability of Landlords to Persons Using his Land.

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

Sec. 1. R. S., T. 12, § 3001, amended. Section 3001 of Title 12 of the Revised Statutes is amended by adding at the end, a new paragraph to read as follows:

The word "proprietor" as used in this chapter includes owner, lessee or occupant.

Sec. 2. R. S., T. 12, § 3002, amended. Section 3002 of Title 12 of the Revised Statutes, as last repealed and replaced by section 21-A of chapter 504 of the public laws of 1969, is amended to read as follows:

§ 3002. No duty to keep premises safe or give warning

~~An owner, lessee or occupant~~ **A proprietor** 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, 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. 3. R. S., T. 12, § 3003, amended. Section 3003 of Title 12 of the Revised Statutes, as last repealed and replaced by section 21-A of chapter 504 of the public laws of 1969, is amended to read as follows:

§ 3003. Permission as affecting liability

~~An owner, lessee or occupant~~ **A proprietor** 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 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. 4. R. S., T. 12, § 3004, amended. Section 3004 of Title 12 of the Revised Statutes, as last repealed and replaced by section 21-A of chapter 504 of the public laws of 1969, is amended to read as follows:

§ 3004. Liability

1. **Permission.** If the proprietor of premises has given permission for another to make general use of an area to hunt, fish, trap, camp, hike, sight-see, operate a snow traveling vehicle or participate in recreational activities, such use shall be without liability to the proprietor except for hazardous conditions subsequently created by the proprietor.

2. **—presumption.** For purposes of this chapter, permission shall not be presumed from repeated use of premises in the absence of the express consent of the proprietor of such premises.

3. **—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 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 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 obligation of the owner to the person using his land.