

# MAINE STATE LEGISLATURE

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(New Title)  
New Draft of: H. P. 1870, L. D. 1927  
SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2118**

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H. P. 2060

House of Representatives, January 31, 1978

Reported by a Majority from the Committee on Judiciary and printed under  
Joint Rules No. 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT Concerning Limitation of Actions and Assumptions of Risk under the  
Elevator and Tramway Statutes Pertaining to Ski Areas.**

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

Sec. 1. 14 MRSA § 752-B is enacted 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 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, 2nd, 3rd and 4th sentences, as enacted by PL 1977, c. 543, § 4, are amended to read:

Therefore, each skier ~~and each passenger~~ shall have the sole responsibility for knowing the range of his own ability to negotiate any slope or ski trail ~~or~~

~~associated passenger tramway~~, and it shall be the duty of each skier ~~and passenger~~ to conduct himself within the limits of his own ability, to maintain control of his speed and course at all times while skiing, to heed all posted warnings and to refrain from acting in a manner which may cause or contribute to the injury of himself or others. Except as otherwise specifically provided in this subchapter, each skier ~~or passenger~~ 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 the use of any passenger tramways associated therewith~~, **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.** ~~The~~ Except as provided in this section, the responsibility for collisions by any skier while actually skiing, with any person or object, shall be solely that of the skier or skiers involved in such collision and not that of the ski area operator. **This section shall not prevent the maintenance of an action against a ski area operator for the negligent design, construction, operation or maintenance of a tramway.**