

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 288

H. P. 243

House of Representatives, February 2, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Kiesman of Fryeburg.

Cosponsors: Mr. Vincent of Portland, Mr. Diamond of Windham and Mr. Peterson of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Liability of Landowners to Recreational Users of their Land.

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

14 MRSA § 159, as enacted by PL 1967, c. 366, is amended to read:

§ 159. Social and business invitees, recreational users of land, standards of care

The standards of care for social invitee shall be the same as that of a business invitee.

Persons who use or are allowed to use unimproved lands for their recreational purposes without direct benefit to the owners or occupiers of the land are gratuitous licensees, to whom the owners or occupiers owe no duty except not to wantonly injure them.

STATEMENT OF FACT

The purpose of this bill is to make clear that a landowner who permits others on his land without charge to hunt, fish, hike, camp or for other recreational purposes should not be subject to liability for injuries incurred, except as may be caused by the willful or wanton action of the landowner. Someone who opens his land for recreational use by the public without charge should not be subject to greater liability than one who excludes the public from his land.