

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 503

H. P. 395

House of Representatives, February 13, 1979

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

EDWIN H. PERT, Clerk

Presented by Miss Brown of Bethel.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Limit the Liability for Hang-gliding.

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

14 MRSA § 159-A is enacted to read:

§ 159-A. Limited liability for hang-gliders

1. **No 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 hang-gliding, or to give warning of any hazardous condition, use of, structure or activity on these premises to persons entering for that purpose.

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

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

B. Make the person, to whom permission is granted, an invitee 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.

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

- A. For willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity;**
- B. For injury suffered in any case where permission to pursue any of the activities enumerated in this section was granted for a consideration; or**
- C. For injury caused, by acts of persons to whom permission to pursue any of the activities enumerated in this section 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 limit the liability of property owners in relation to use of their land for hang-gliding.