

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-620)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "**A**" to H.P. 692, L.D. 870, Bill,
"AN ACT Amending the Law Relating to Elevators and
Tramways."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 14 MRSA §752-B, as enacted by PL 1977, c. 608,
§1, is amended 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 hang-gliding or the use of a tramway associated with
skiing or hang-gliding shall be commenced within 2 years after
the cause of action accrues.

Sec. 2. 26 MPSA §488, first and 3rd sentences, as
enacted by PL 1977, c. 543, §4 and as amended, are further
amended to read:

It is hereby recognized that ~~Alpine-or-downhill~~ skiing
as a recreational sport and the use of passenger tramways
associated therewith may be hazardous to skiers or passengers,
regardless of all feasible safety measures which can be taken.

Except as otherwise specifically provided in this subchapter,

each skier who participates in the sport of skiing shall be deemed to have assumed the risk of the dangers inherent in the sport and assumed the legal responsibility for any injury to his person or property arising out of his participation in ~~Alpine-or-downhill~~ the sport of skiing, 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.

Sec. 3. 26 MRSA §489, sub-§4, as enacted by PL 1977, c. 543, §4, is repealed and the following enacted in its place:

4. Closed trails. Ski or otherwise use a slope or trail which has been designated "closed" by the operator without written permission of the operator or his designee; or

Sec. 4. 26 MRSA §489, sub-§5 is enacted to read:

5. Removal or destruction of signs. Remove, alter, deface or destroy any sign or notice placed in the ski area or on the trail by the operator.

Sec. 5. 26 MRSA §489-A is enacted to read:
§489-A. Hang-gliding

Hang-gliding is also recognized as a hazardous sport. Therefore, a person who is hang-gliding shall be deemed to have assumed the risk and legal responsibility for any injury to his person or property in the same manner and to the same extent as skiers under this subchapter.

Statement of Fact

This amendment combines 3 bills, L.D.'s 401, 503 and 870. It extends the limited liability of ski area operators for downhill skiers, ^{also} to cross-country skiers and hang-gliders. The amendment / clarifies the authority of operators to close trails and protect signs.

Reported by the Majority of the Committee on Business Legislation
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