

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 964

S. P. 336

In Senate, February 23, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Clark of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning the Liability of Land Owners for Recreational or Harvesting Activities on their Land.

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

Sec. 1. 14 MRSA § 159-A, sub-§ 4, ¶ B, as enacted by PL 1979, c. 253, § 2, is repealed and the following enacted in its place:

B. For any injuries suffered resulting from the failure of the land owner, lessee or occupant to give warning of any hazardous condition, use, structure or activity on the premises known to the owner, lessee or occupant, where permission to pursue any recreational or harvesting activities is granted for a consideration other than the consideration, if any, paid to the land owner by the State; or

Sec. 2. 14 MRSA § 159-B is enacted to read:

§ 159-B. Recreational and harvesting activities users' responsibilities

It is hereby recognized that recreational and harvesting activities, as defined in section 159-A, subsection 1, paragraph B, may be hazardous to the participants, regardless of all feasible safety measures which can be taken. Therefore, each participant shall have the sole responsibility for knowing the range of his own ability to pursue any or all of the activities mentioned in that section, and it is the duty of that participant to conduct himself within the limits of his own abilities, to

maintain control of his activities at all times and to heed all posted warnings and to refrain from acting in any manner which may cause or contribute to the injury of himself or others. Except as specifically provided in this subchapter, each participant who partakes in recreational or harvesting activities is deemed to have assumed the risk of the dangers inherent in those activities and to have assumed the legal responsibility for any injury to his person or property arising out of his participation in the activities unless the injury or death was actually caused by the negligent operation or maintenance of the premises or recreational and harvesting activities for a consideration by the owner, lessee or occupant of the premises.

Sec. 3. 14 MRSA § 159-C is enacted to read:

§ 159-C. Premises used for recreational or harvesting activities

All civil actions for property damages, bodily injury or death against the owner, lessee or occupant of premises used for recreational or harvesting activities as defined by section 159-A, whether based on tort or breach of contract, or otherwise, arising out of participation in recreational or harvesting activities, shall be commenced within 2 years after the cause of action accrues.

STATEMENT OF FACT

The purpose of this bill is to provide that persons who engage in recreational or harvesting activities must accept the dangers inherent in those activities. The bill limits the liability of the owner, lessee or occupant of the premises on which these activities may take place.