

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document

No. 648

6
7 H.P. 523

House of Representatives, February 8, 1983

8 Received by the Clerk of the House on February 8, 1983. Referred to the
9 Committee on Labor, and ordered printed pursuant to Joint Rule 14. (By
Request)

10 EDWIN H. PERT, Clerk

Presented by Representative Brown of Bethel.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Skiers' and
18 Tramway Passengers' Responsibilities.
19

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

22 26 MRSA §488, as amended by PL 1979, c. 514, §3,
23 is repealed and the following enacted in its place:

24 §488. Skiers' and tramway passengers' responsibili-
25 ties

26 It is hereby recognized that, regardless of all
27 safety measures which may be taken by the ski area
28 operator, skiing as a sport and the use of passenger
29 tramways associated therewith may be hazardous to the
30 skiers or passengers. The following shall apply in
31 skiing and the use of passenger tramways.

1 1. Acceptance of inherent dangers. Each person
2 who participates in the sport of skiing accepts, as a
3 matter of law, the dangers inherent in the sport, and
4 to that extent may not maintain an action against the
5 operator for any injuries which result from those
6 inherent risks, dangers or hazards. The categories
7 of the risks, hazards or dangers which the skier or
8 passenger assumes as a matter of law include, but are
9 not limited to, the following, whether above or below
10 snow surface: Variations in terrain, surface or sub-
11 surface snow or ice conditions, bare spots, rocks,
12 trees, stumps and other forms of forest growth or
13 debris, lift towers and components thereof, pole
14 lines and plainly marked or visible snow making
15 equipment, collisions with other skiers or other per-
16 sons or with anything listed in the categories
17 included in this subsection.

18 2. Personal ability. Each skier and passenger
19 shall have the sole responsibility for knowing the
20 range of his own ability to negotiate any slope,
21 trail or passenger tramway. Any passenger who boards
22 the tramway shall be presumed to have sufficient
23 abilities to negotiate the lift, and no liability
24 shall attach to any operator or attendant for failure
25 to instruct persons on the use thereof.

26 3. Conduct within limits of ability. Each skier
27 or passenger shall conduct himself within the limits
28 of his own ability, maintain control of his speed and
29 course at all times while skiing, heed all posted
30 warnings and refrain from acting in a manner which
31 may cause or contribute to the injury of himself or
32 others.

33 4. Limitation on actions against operators.
34 Each passenger shall be the sole judge of his ability
35 to negotiate any uphill track, and no action shall be
36 maintained against any operator by reason of the con-
37 dition of the track, unless the board, upon appro-
38 prate evidence furnished to it, makes a finding that
39 the conditions of the track, at the time and place
40 of an accident, did not meet the board's require-
41 ments, provided that the ski area operator shall have
42 had notice, prior to the accident, of the board's re-
43 quirements, the violation of which is claimed to be
44 the basis for any action by the passenger.

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STATEMENT OF FACT

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The purpose of this bill is to provide that persons who ski must accept the dangers inherent in that sport and in the use of tramways. The bill also provides that a person may not bring suit against a ski area operator for injuries resulting from those inherent risks.

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