

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R^s
ofs.

1

L.D. 2301

2

(Filing No. S- 376)

3

STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

SECOND REGULAR SESSION

7

SENATE AMENDMENT " B " to S.P. 889, L.D. 2301,

8

Bill, "AN ACT to Enhance Outdoor Recreation

9

Opportunities."

10

Amend the bill by striking out all of section 7

11

and inserting in its place the following:

12

'Sec. 7. 14 MRSA §159-A, sub-§1, ¶A-1 is

13

enacted to read:

14

A-1. "Primitive camping area" means a camping

15

location that does not have access to a water

16

supply that is approved by the Department of Human

17

Services.

18

Sec. 8. 14 MRSA §159-A, sub-§6, as enacted by

19

1985, c. 762, §25, is repealed and the following

20

enacted in its place:

21

6. Costs and fees. In an action for personal

22

injury or property damage, the court shall order the

23

opposing party to pay any direct legal costs,

24

including reasonable attorneys' fees, to an owner,

25

lessee or occupant of premises:

26

A. Who is found not to be liable for injury or

27

damage to a person or property pursuant to this

28

section; or

1 B. Who is found by the court:

2 (1) To have been frivolously sued for injury
3 or damage to a person or property in an
4 action for negligence that, excepting the
5 limitation of subsection 4, paragraph B,
6 would have been governed by this section; and

7 (2) To have on the premises for recreational
8 purposes no development or facilities other
9 than primitive camping areas.'

10 STATEMENT OF FACT

11 The purpose of this amendment is to clarify the
12 section of the bill concerning the payment of legal
13 costs by a losing party when the party has sued a
14 person on whose land he was engaged in recreation.

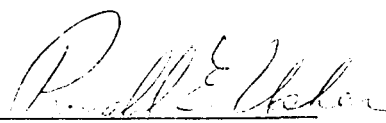
15 The amendment adds to current law that a land
16 owner, lessee or occupant who charges for recreational
17 activities may only recoup legal costs in the
18 following circumstances:

19 1. When the owner, lessee or occupant would, but
20 for the fact that a fee is charged, have been immune
21 under the recreational activities immunity from
22 liability provided under the Maine Revised Statute,
23 Title 14, section 159-A;

24 2. The court finds that the suit was frivolous;
25 and

26 3. The land has on it no greater development for
27 recreational purposes than primitive camping areas.

28 5299033088

29 (Sen. USHER)
30 SPONSORED BY: 

31 COUNTY: Cumberland