

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 182, L.D. 267, Bill, "An Act to Prescribe the Duties and Liabilities of Roller-skating Rink Operators and Persons Who Use Roller-skating Rinks"

Amend the bill in that part designated "~~§604.~~" by striking out all of subsection 4 (page 1, lines 30 to 32 in L.D.)

Further amend the bill in that part designated "~~§605.~~" in subsection 1 in the 2nd and 3rd lines (page 1, lines 39 and 40 in L.D.) by striking out the following: "as provided in this subchapter" and inserting in its place the following: 'and inherent dangers of skating as provided in sections 606 and 607'

Further amend the bill in that part designated "~~§606.~~" in subsection 1 in the first line (page 2, line 4 in L.D.) by striking out the following: "is responsible for knowing" and inserting in its place the following: 'shall know'

Further amend the bill in that part designated "~~§606.~~" in subsection 1 in the last line (page 2, line 6 in L.D.) by striking out the following: "to" and inserting in its place the following: 'shall'

Further amend the bill in that part designated "~~§606.~~" in subsection 2 in the 4th and 5th lines (page 2, lines 11 and 12 in L.D.) by striking out the following: "is primarily responsible for avoiding" and inserting in its place the following: 'shall do so in a manner that avoids'

Further amend the bill in that part designated "~~§607.~~" in the first paragraph in the first line (page 2, line 17 in L.D.) by striking out the following: "The" and inserting in its place the following: 'Insofar as the'

2 Further amend the bill in that part designated "§607." in
the first paragraph in the first to 3rd lines (page 2, lines 17
4 to 19 in L.D.) by striking out the following: "and each person
who participates in roller skating must be aware of and accept
6 those dangers" and inserting in its place the following: 'by
participating in roller skating a person accepts those dangers'

8
Further amend the bill in that part designated "§608." in
10 the first paragraph in the first line (page 2, line 28 in L.D.)
by inserting after the underlined word "liable" the following:
12 'to an injured person'

14 Further amend the bill by inserting before the statement of
fact the following:
16

18 FISCAL NOTE

20 The additional work load and administrative costs associated
with a minimal number of new cases filed in District Court as a
22 result of the violation will be absorbed within the budgeted
resources of the Judicial Department.'
24

26 STATEMENT OF FACT

28 This amendment makes the following changes in the bill.

30 1. The amendment eliminates the definition of "spectator,"
since that word is not used in the bill.

32 2. The bill requires that a roller-skating rink post the
34 regulations, called duties, to which skaters must adhere. The
amendment adds the required posting of a statement that a skater
36 accepts the dangers inherent in skating.

38 3. In three places in the section describing skaters'
duties the word "is" is used. This amendment substitutes the
40 word "shall" in order to emphasize that the skater has a legal
requirement to fulfill these duties.

42 4. The bill has a statement regarding the dangers inherent
44 in skating. The purpose of this section is, essentially, to
recognize these dangers in Maine law to create a greater
46 certainty of how a judge will decide a liability suit brought
against a rink operator. This amendment changes the wording of
48 the first sentence of this section to make it better relate to
tort law.

50

COMMITTEE AMENDMENT "A" to H.P. 182, L.D. 267

2 5. The amendment indicates that the only liability involved
in a violation of this subchapter is that of the violator to an
4 injured party, thereby clarifying that the provisions of the bill
are not enforceable by the State and that there is no civil
penalty.

Reported by the Committee on Business Legislation
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