

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 954

H.P. 696

House of Representatives, March 23, 1995

An Act to Limit Liability for Farm Pick-your-own Operations.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KILKELLY of Wiscasset.
Cosponsored by Representatives: AHEARNE of Madawaska, CROSS of Dover-Foxcroft,
DEXTER of Kingfield, HICHBORN of LaGrange, KNEELAND of Easton, SPEAR of
Nobleboro, STROUT of Corinth, TYLER of Windham, Senators: CASSIDY of Washington,
LORD of York, PARADIS of Aroostook.

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

4 **Sec. 1. 14 MRSA §159-C** is enacted to read:

6 **§159-C. Limited liability for farm pick-your-own operations**

8 **1. Limited liability.** An owner, operator or employee of a
10 farm who allows any person to enter the farm for the purpose of
12 agricultural harvesting, including the cutting of Christmas
14 trees, under a pick-your-own agreement is not liable for injuries
or death to persons or damage to property, resulting from the
conduct of the pick-your-own operation in the absence of willful,
wanton or reckless conduct on the part of the owner, operator or
employee.

16 **2. Notice required.** The limitation of liability provided
18 in subsection 1 applies only if the owner or operator of the farm
posts and maintains signs that contain a warning notice that
20 states:

22 "WARNING

24 Under the Maine Revised Statutes, Title 14, section
26 159-C, the owner, operator or any employees of this farm are
28 not liable for injury or death of persons or damage to
30 property resulting from the conduct of this pick-your-own
harvesting activity in the absence of willful, wanton or
reckless conduct on the part of the owner, operator or
employee."

32 The signs must be placed in a visible place at each location
34 where persons are allowed to enter the farm for the purpose of
agricultural harvesting. The warning notice must appear on a
36 sign in black letters and each letter must be a minimum of one
inch in height.

38 **STATEMENT OF FACT**

40 This bill limits the liability of farm pick-your-own
42 operations. Owners, operators or employees of those operations
44 will not be liable for injury, death or damage to property unless
they engage in willful, wanton or reckless conduct. Signs must
be posted at each location where persons may enter the farm for
pick-your-own harvesting.