

MAINE STATE LEGISLATURE

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RWS

L.D. 1118

DATE: 6/8/95

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MAJORITY
BUSINESS AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 801, L.D. 1118, Bill, "An Act to Amend the Laws Pertaining to the Duties of Skiers and Tramway Passengers by Defining Inherent Risks"

Amend the bill in section 1 in that part designated "~~§488.~~" in subsection 1 in paragraph A by striking out all of the last sentence (page 1, lines 33 to 35 in L.D.).

Further amend the bill in section 1 in that part designated "~~§488.~~" in subsection 2 in the 2nd line (page 1, line 48 in L.D.) by striking out the following: "tranways" and inserting in its place the following: 'tramways'

Further amend the bill in section 1 in that part designated "~~§488.~~" in subsection 2 in the 3th and 4th lines from the end (page 2, lines 3 and 4 in L.D.) by striking out the following: "operator, it agents" and inserting in its place the following: 'operator, or its agents'

Further amend the bill in section 1 in that part designated "~~§488.~~" by inserting after subsection 2 the following:

'3. Warning notice. A ski area operator shall post and maintain at the ski area where the lift tickets and ski school lessons are sold and at the loading point of each passenger tramway signs that contain the following warning notice:

R. & S.

WARNING:

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Under Maine law, a skier assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of skiing and may not recover from any ski area operator for any injury resulting from any of the inherent dangers and risks of skiing, including, but not limited to: existing and changing weather conditions; existing and changing snow conditions such as ice, hardpack, powder, packed powder, corn, crust and slush and cut-up, granular and machine-made snow; surface or subsurface conditions such as dirt, grass, bare spots, rocks, stumps, trees, forest growth or other natural objects and collisions with such natural objects; lift towers, lights, signs, posts, fences, mazes or enclosures, hydrants, water or air pipes, snowmaking and snow-grooming equipment, marked or lit trail maintenance vehicles and snowmobiles, and other man-made structures or objects and their components, and collisions with such man-made objects; variations in steepness or terrain, whether natural or as a result of slope design, snowmaking or grooming operations, including but not limited to ski jumps, roads and catwalks or other terrain modifications; the presence of and collisions with other skiers; and the failure of skiers to ski safely, in control or within their own abilities.'

Further amend the bill in section 1 in that part designated "~~§488.~~" in subsection 3 in the 6th line (page 2, line 13 in L.D.) by striking out the following: "verbal" and inserting in its place the following: 'oral'

Further amend the bill in section 1 in that part designated "~~§488.~~" in subsection 3 in the 7th line (page 2, line 14 in L.D.) by inserting after the following: "instructions" the following: 'by the ski area operator'

Further amend the bill in section 1 in that part designated "~~§488.~~" in subsection 4 in the 4th line (page 2, line 20 in L.D.) by striking out the following: "operator, it agents" and inserting in its place the following: 'operator or its agents'

Further amend the bill in section 1 in that part designated "~~§488.~~" in subsection 5 in the first line (page 2, line 23 in L.D.) by striking out the following: "operator, it agents" and inserting in its place the following: 'operator or its agents'

Further amend the bill in section 1 in that part designated "~~§488.~~" in subsection 7 in paragraph A in the first line (page 2, line 44 in L.D.) by inserting after the following: "operation" the following: 'or maintenance'

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2 Further amend the bill in section 1 in that part designated
"§488." by renumbering the subsections to read consecutively.

4
6 Further amend the bill by inserting at the end before the
statement of fact the following:

8 **FISCAL NOTE**

10 This bill may decrease the number of civil suits filed in
12 the court system. The Judicial Department may realize some minor
savings from reductions of workload and administrative costs
14 associated with the minimal number of cases that will no longer
be filed. Reductions in the collection of filing fees may
16 decrease General Fund revenue by minor amounts.'

18 **STATEMENT OF FACT**

20 Current law states that, due to the inherent dangers of
22 skiing, ski area operators are not liable for injuries unless
caused by negligent operation or maintenance. The original bill
24 defines the inherent risks of skiing, which include the risks
associated with the design of the ski area. The risks do not
include those due to the negligent operation of the area by the
26 operator. The bill is silent on the subject of maintenance.

28 This amendment adds negligent maintenance as an issue that
is not an inherent risk of skiing. It also requires the posting
30 by operators of notices that advise skiers of the law regarding
the inherent risks of skiing.

32 The amendment also adds a fiscal note to the bill.