

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

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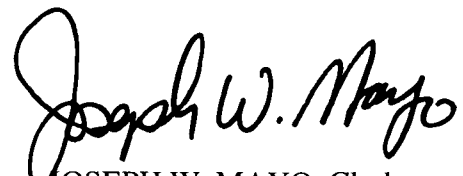
H.P. 1245

House of Representatives, January 16, 1996

An Act to Clarify the Landowner Liability Laws.

Reported by Representative JACQUES for the Commission to Study Trespass Laws pursuant to Resolve 1995, chapter 53.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 20.


JOSEPH W. MAYO, Clerk

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

Sec. 1. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 1993, c. 622, §1, is further amended to read:

B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, hiking, sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, dog sledding, equine activities, boating, sailing, canoeing, rafting, biking, picnicking, swimming or activities involving the harvesting or gathering of forest products. It includes entry of, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial timber harvesting.

Sec. 2. 14 MRSA §159-A, sub-§2, as amended by PL 1993, c. 622, §1, is further amended to read:

2. **Limited duty.** An owner, lessee, manager or occupant of premises does not have a duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes. This subsection applies regardless of whether the owner, lessee, manager or occupant has given permission to another to pursue recreational or harvesting activities on the premises.

STATEMENT OF FACT

This bill amends the landowner liability laws, which limit the duty of care owed by landowners to persons who use their property for recreational or harvesting activities. The bill adds dog sledding and equine activities to the list of activities that are specifically included in the definition of "recreational or harvesting activities."

The bill clarifies that the limitation on the duty of care applies to landowners, regardless of whether they have granted permission to use their property to another person. Because one subsection of the law applies only to persons who grant permission to use their property, there has been some confusion about whether the primary part of the law limiting the duty of care also applies only to those who have given permission to use their property. The bill clarifies that the law includes all landowners, lessees, managers and occupants, including those who post their property to prohibit access.