

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 439, L.D. 560, Bill, "An Act to Establish the Maine Cave Protection Act"

Amend the bill in section 1 in that part designated "§544-L." in the first paragraph in the last line (page 1, line 50 in L.D.) by inserting after the following: "impeded." the following: 'The excavation or removal of an artifact, object, specimen or material from a cave on state-controlled land, as those terms are defined in Title 27, section 373-A, is subject to the provisions governing excavation and removal of state-owned objects and specimens under Title 27, chapter 13.'

Further amend the bill in section 1 by striking out all of that part designated "§544-M." and inserting in its place the following:

§544-M. Liability of owners

Recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under Title 14, section 159-A.'

Further amend the bill in section 1 in that part designated "§544-N." by striking out all of subsection 2 and inserting in its place the following:

2 '2. Forfeiture. A person who violates the provisions of
3 this subchapter commits a civil violation for which a forfeiture
4 of up to \$1,000 may be adjudged.

5 '3. Damages may be collected by landowner. A person who
6 intentionally defaces or damages a cave on private land in
7 violation of subsection 1 is liable to the owner of that land for
8 actual damages recoverable through a civil action.'

10 Further amend the bill by inserting after section 1 the
11 following:

12 'Sec. 2. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 1995, c.
13 566, §1, is further amended to read:

14 B. "Recreational or harvesting activities" means
15 recreational activities conducted out-of-doors, including,
16 but not limited to, hunting, fishing, trapping, camping,
17 environmental education and research, hiking, recreational
18 caving, sight-seeing, operating snow-traveling and
19 all-terrain vehicles, skiing, hang-gliding, dog sledding,
20 equine activities, boating, sailing, canoeing, rafting,
21 biking, picnicking, swimming or activities involving the
22 harvesting or gathering of forest, field or marine products.
23 It includes entry of, volunteer maintenance and improvement
24 of, use of and passage over premises in order to pursue
25 these activities. "Recreational or harvesting activities"
26 does not include commercial agricultural or timber
27 harvesting.'

28 Further amend the bill by inserting at the end before the
29 summary the following:

30 **FISCAL NOTE**

31 The additional workload and administrative costs associated
32 with the minimal number of new cases filed in the court system
33 can be absorbed within the budgeted resources of the Judicial
34 Department. The collection of additional fines may increase
35 General Fund revenue by minor amounts.'

36 **SUMMARY**

37 This amendment clarifies that recreational caving is a
38 recreational or harvesting activity for the purposes of limited
39 liability of landowners under the Maine Revised Statutes, Title
40 14, section 159-A. The amendment also changes the penalty in the
41 bill from a Class E crime to a civil violation and allows a
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COMMITTEE AMENDMENT "A" to H.P. 439, L.D. 560

2 landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave. It also adds a fiscal note to the bill.

COMMITTEE AMENDMENT