MAINE STATE LEGISLATURE

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		L.D. 787
DAT	E: 12-31-03	(Filing No. S-356)
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	JUDICIA	RY
Rep	orted by:	
_	roduced and distributed under th	ne direction of the Secretary
	STATE OF M SENATI 121ST LEGISL SECOND REGULA	E ATURE
Act Sno	COMMITTEE AMENDMENT "\(\hat{\text{T}}\)" to S To Limit the Damages Recover wmobile Clubs' Trail-grooming Act	able in Accidents Involving
the	Amend the bill by striking ou following:	t the title and substituting
Con	Act To Clarify the Landowner struction and Maintenance of Snoreational Use' Further amend the bill by in	owmobile and Other Trails for
bef	ore the enacting clause the follow	
	'Emergency preamble. Whereas, A ome effective until 90 days after emergencies; and	
	Whereas, the landowner liabili er to the construction and mai reation by the public; and	
sign dis	Whereas, the availability and urance for snowmobile trail nificantly declined, creating an ruption in the infrastructure lar snowmobiling industry; and	-grooming activities have immediate potential for major
law	Whereas, immediate clarification	exposure to liability for

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season.

COMMITTEE AMENDMENT '\(\frac{1}{2}\)'' to S.P. 266, L.D. 787

2	Whereas, in the judgment of the Legislature, these facts
4	create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately
6	necessary for the preservation of the public peace, health and safety; now, therefore,'
O	safety; now, therefore,
8	Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place
10	the following:
12	'Sec. 1. 14 MRSA §159-A, sub-§1, ¶C is enacted to read:
14	C. "Occupant" includes, but is not limited to, an individual, corporation, partnership, association or other
16	legal entity that constructs or maintains trails or other improvements for public recreational use.
18	Emergency clause. In view of the emergency cited in the
20	preamble, this Act takes effect when approved.'
22	
• •	SUMMARY
24	This amendment replaces the bill and amends the title.
26	
28	This amendment adds the definition of "occupant" to the current law that provides limited liability for recreational or
30	harvesting activities. The current law limits the liability of owners, lessees, managers, holders of easements and occupants of premises with regard to others entering on and using property for
32	recreational or harvesting activities, but the term "occupant" is not defined.
34	not dellied.
	This amendment defines "occupant" to include an individual,
36	corporation, partnership, association or other legal entity that constructs or maintains trails or other improvements for public
38	recreational use. The language is not limited to snowmobile trails and covers any type of recreational trail. The language
40	does not limit "occupant" to the listed entities and activities
43	in which they may engage.

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This amendment adds an emergency preamble and an emergency clause to make the bill take effect immediately to ensure that the clarification of the law applies to the current snowmobiling

COMMITTEE AMENDMENT