

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 539

S.P. 165

In Senate, February 1, 2005

An Act Authorizing Municipalities To Establish Walking Trails

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAGNON of Kennebec.
Cosponsored by Representative MARLEY of Portland and
Senators: ROTUNDO of Androscoggin, SCHNEIDER of Penobscot, Representatives: BLISS
of South Portland, FLETCHER of Winslow.

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

4 **Sec. 1. 23 MRSA §3154 is enacted to read:**

6 **§3154. Municipal walking trails**

8 **1. Municipal walking trails authorized.** A municipality may
10 lay out, alter and discontinue walking trails according to the
12 following provisions.

14 **A. A 2/3 vote of the municipal officers is required for the**
16 acceptance of that municipal walking trail by that
18 municipality.

20 **B. The municipality may not take any cultivated or improved**
22 land to lay out or alter municipal walking trails without
24 the consent of the landowner.

26 **C. All provisions regarding the assessment of damages and**
28 appeal in cases of laying out, altering and discontinuing
30 public ways in a municipality apply to laying out, altering
32 and discontinuing municipal walking trails.

34 **D. Municipal walking trails are subject to such regulations**
36 as to use as may be established by the municipality.

38 **E. The municipality shall erect at the entrance of a**
40 municipal walking trail signs signifying that it is not for
use of vehicles, and that persons use it at their own risk.

2. Limited liability of landowner. Pursuant to Title 14,
section 159-A, if a landowner permits a municipality to use the
landowner's private property for a municipal walking trail, the
landowner does not assume responsibility for care of the
municipal walking trail or incur liability for any injury to
person or property caused by any act of persons who use the
municipal walking trail except for a willful or malicious failure
of the landowner to guard or to warn against a dangerous
condition, use, structure or activity.

SUMMARY

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4 This bill authorizes municipalities to establish walking
6 trails and provides a private landowner limited liability for
injury occurring on the municipal walking trail on that
landowner's property.