

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1605

H.P. 1214

House of Representatives, December 20, 2011

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### **An Act To Promote Agricultural Activity in Maine by Limiting the Liability for Agritourism Activities**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2011. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative LIBBY of Waterboro.  
Cosponsored by Senator THIBODEAU of Waldo and  
Representatives: BLACK of Wilton, CRAY of Palmyra, DAVIS of Sangerville, McCABE of Skowhegan, OLSEN of Phippsburg, TIMBERLAKE of Turner, Senators: MASON of Androscoggin, SHERMAN of Aroostook.

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

2 **Sec. 1. 14 MRSA §159-A, sub-§1, ¶B**, as amended by PL 2009, c. 156, §1, is  
3 further amended to read:

4 B. "Recreational or harvesting activities" means recreational activities conducted  
5 out-of-doors, including, but not limited to, agritourism activity, hunting, fishing,  
6 trapping, camping, environmental education and research, hiking, recreational caving,  
7 sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding,  
8 noncommercial aviation activities, dog sledding, equine activities, boating, sailing,  
9 canoeing, rafting, biking, picnicking, swimming or activities involving the harvesting  
10 or gathering of forest, field or marine products. It includes entry of, volunteer  
11 maintenance and improvement of, use of and passage over premises in order to  
12 pursue these activities. "Recreational or harvesting activities" does not include  
13 commercial agricultural or timber harvesting.

14 **Sec. 2. 14 MRSA §159-A, sub-§1, ¶D** is enacted to read:

15 D. "Agritourism activity" means an activity carried out on a farm that allows  
16 members of the general public, for recreational, entertainment or educational  
17 purposes, to view or participate in rural activities, including farming, ranching, rural  
18 history, rural culture and harvest-your-own activities and similar rural activities and  
19 attractions. "Agritourism activity" includes an activity involving an animal exhibition  
20 at an agricultural fair licensed by the Department of Agriculture, Food and Rural  
21 Resources under Title 7, section 83.

22 **Sec. 3. 14 MRSA §159-A, sub-§4, ¶B**, as amended by PL 1995, c. 566, §1, is  
23 further amended to read:

24 B. For an injury suffered in any case where permission to pursue any recreational or  
25 harvesting activities was granted for a consideration other than the consideration, if  
26 any, paid to the following:

- 27 (1) The landowner or the landowner's agent by the State; ~~or~~
- 28 (2) The landowner or the landowner's agent for use of the premises on which the  
29 injury was suffered, as long as the premises are not used primarily for  
30 commercial recreational purposes and as long as the user has not been granted the  
31 exclusive right to make use of the premises for recreational activities; or
- 32 (3) The landowner or the landowner's agent for participation in an agritourism  
33 activity; or

34 **SUMMARY**

35 This bill provides limited liability to landowners who open their land for agritourism  
36 activities.