

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 39

S.P. 18

In Senate, January 10, 2017

An Act To Clarify Landowners' Liability Regarding Public Access

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative BLACK of Wilton and
Senator: DAVIS of Piscataquis, Representatives: SKOLFIELD of Weld, TIMBERLAKE of
Turner.

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

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

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

7 (1) The landowner or the landowner's agent by the State; or

8 (2) The landowner ~~or~~ the landowner's agent, lessee or sublessee or the holder of
9 an easement from the landowner for use of the premises on which the injury was
10 suffered, as long as the premises are not used primarily for commercial
11 recreational purposes and as long as the user has not been granted the exclusive
12 right to make use of the premises for recreational activities; or

13 **SUMMARY**

14 Under current law, liability for recreational or harvesting activities is not limited for
15 an injury suffered in any case where permission to pursue any recreational or harvesting
16 activities was granted for a consideration other than consideration paid to the landowner
17 or the landowner's agent for use of the premises on which the injury was suffered, as long
18 as certain conditions exist. This bill provides that liability is not limited where
19 permission was granted for a consideration other than consideration paid to the
20 landowner, the landowner's agent, lessee or sublessee or the holder of an easement from
21 the landowner, as long as certain conditions exist.