

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 112

H.P. 80

House of Representatives, January 17, 2017

**An Act To Further Limit the Liability of Landowners Who Permit
the Use of Land for Outdoor Recreational Activity**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GINZLER of Bridgton.
Cosponsored by Senator HAMPER of Oxford and
Representative: FAY of Raymond.

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

Sec. 1. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 2015, c. 20, §1, is further amended to read:

B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, environmental education and research, hiking, rock climbing, ice climbing, bouldering, rappelling, recreational caving, sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, noncommercial aviation activities, dog sledding, equine activities, boating, sailing, canoeing, rafting, biking, picnicking, swimming or activities involving the harvesting or gathering of forest, field or marine products. It includes entry of, volunteer maintenance and improvement of, use of and passage over premises in order to pursue these activities as well as construction, maintenance or expansion of trails or ancillary facilities used to pursue these activities. "Recreational or harvesting activities" does not include commercial agricultural or timber harvesting.

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

D. "Ancillary facilities" means facilities commonly associated with recreational or harvesting activities, including, but not limited to, parking lots, warming shelters, restrooms, outhouses, bridges and culverts.

SUMMARY

Current law limits the liability of landowners who allow certain outdoor recreational or harvesting activities on their land, as long as the land is not primarily used for commercial recreational purposes. This bill extends that limited liability to landowners who allow their land to be used for the construction, maintenance or expansion of trails or ancillary facilities used to pursue outdoor recreational activities.