

MAINE STATE LEGISLATURE

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L.D. 488

Date: 3/22/19

REPORT B

(Filing No. S- 18)

JUDICIARY

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 153, L.D. 488, Bill, "An Act To Provide Campground Owners Immunity from Liability for the Inherent Risks of Camping"

Amend the bill by striking out the title and substituting the following:

'An Act To Limit the Liability of Campground Owners for the Inherent Risks of Camping'

Amend the bill in section 1 in §164-C in the first line (page 1, line 3 in L.D.) by striking out the following: "Civil immunity" and inserting the following: "Limited liability"

Amend the bill in section 1 in §164-C in subsection 2 in the first line (page 2, line 1 in L.D.) by striking out the following: "immunity" and inserting the following: "limited liability"

Amend the bill in section 1 in §164-C by striking out all of subsection 3 (page 2, lines 13 to 27 in L.D.) and inserting the following:

'3. Assumption of risk; warning notice. In a personal injury action against a campground owner or operator, a defense or limitation of liability may be asserted only if the participant injured in the course of camping had been notified of the inherent risks of camping and the limitations of liability.'

For purposes of this section, notice of the inherent risks of camping may be satisfied by a statement signed by the camping participant and a sign or signs prominently displayed at the private campground. A private campground owner or operator shall post a warning notice in substantially the following form at the place of registration:

"WARNING:

Under Maine law, a camper or a guest of the camper in a private campground assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of camping and may not recover damage or damages from any private campground owner or operator for any injury or death resulting from any of the inherent dangers and

1 risks of camping. The inherent dangers and risks of camping include but are not limited
2 to water activities such as swimming, boating, water-skiing and fishing; changing
3 weather conditions; surface or subsurface conditions, such as rocks, stumps, trees, forest
4 growth or other natural objects; variations in terrain; and the failure of campers and their
5 guests to recreate safely, in control and within their own abilities."

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
7 section number to read consecutively.

8 SUMMARY

9 This amendment replaces "immunity" with "limited liability" to provide a clearer
10 description of the law. It also provides that the limitation on a campground owner's or
11 operator's liability does not apply unless notice of the assumption of risk of the inherent
12 risks of camping is given. It changes the title of the bill to be consistent with these
13 changes.