

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 986

S.P. 316

In Senate, March 9, 2021

**An Act To Provide Campground Owners Limited Civil Liability
from the Inherent Risks of Camping**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.
Cosponsored by Senators: BENNETT of Oxford, DESCHAMBAULT of York,
Representatives: GRAMLICH of Old Orchard Beach, LYMAN of Livermore Falls.

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

2 **Sec. 1. 14 MRSA §164-C** is enacted to read:

3 **§164-C. Limited civil liability for inherent risks of camping**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Camping" means all aspects of visiting, staying at, using and entering or leaving
7 a private campground, including lodging of all types.

8 B. "Inherent risk of camping" means a danger, condition or activity that is part of
9 camping, including dangers or activities related to any of the following:

10 (1) Features of the natural world, such as trees, naturally occurring infectious
11 agents, tree stumps, roots, brush, rocks, mud, sand, standing water and soil;

12 (2) Topography, including but not limited to uneven and unpredictable terrain;

13 (3) Bodies of water and accessories permitting the use of natural bodies of water,
14 including piers, docks, swimming and aquatic sports or recreation facilities or
15 areas, including but not limited to swimming pools or water slides, boats, canoes
16 and boating equipment;

17 (4) Another camper or visitor at the private campground acting in a negligent
18 manner, if the campground owner or employees are not involved;

19 (5) A lack of lighting, including lighting at campsites;

20 (6) Campfires in a fire pit or other outdoor fireplace or enclosure provided by the
21 private campground;

22 (7) Weather;

23 (8) Insects, birds and other wildlife;

24 (9) Violation of written rules, including safety rules provided to the camper, or
25 disregard for signs communicating warnings;

26 (10) Actions by campers or visitors that exceed their physical limitations or
27 abilities;

28 (11) Animals of campers or visitors that cause injury, unless the private
29 campground has accepted responsibility for care of the animal; or

30 (12) Playgrounds and play or sporting equipment.

31 C. "Private campground" means a facility that is issued a campground license under
32 rules adopted pursuant to Title 22, chapter 562 and is owned and operated by a private
33 property owner and includes camping areas, recreational vehicle parks or other
34 premises where tents, recreational vehicles, rental cabins or cottages are permitted on
35 5 or more sites for compensation either directly or indirectly. "Private campground"
36 includes, but is not limited to, sites intended for recreational purposes rather than
37 permanent residency.

38 **2. Acceptance of inherent risks of camping; limited civil liability.** Notwithstanding
39 any provision of any public or private and special law to the contrary, because camping is
40 a recreational activity and the use of a campground facility associated with camping may

1 be hazardous to campers or visitors regardless of all feasible safety measures that may be
2 taken, each person who participates in camping activities at a private campground accepts,
3 as a matter of law, the inherent risks of camping and, to that extent, may not maintain an
4 action against or recover from the private campground owner or its agents, representatives
5 or employees for any losses, injuries, damages or death that results from the inherent risks
6 of camping.

7 **3. Warning notice.** A private campground owner or operator shall post a warning
8 notice in substantially the following form at the place of registration:

9 "WARNING:

10 Under Maine law, a camper or a guest of the camper in a private campground assumes the
11 risk of any injury to person or property resulting from any of the inherent dangers and risks
12 of camping and may not recover from any campground owner or operator for any death or
13 injury resulting from any of the inherent dangers and risks of camping, including but not
14 limited to: water activities such as swimming, boating, water skiing and fishing; existing
15 and changing weather conditions; surface or subsurface conditions, such as rocks, stumps,
16 trees, forest growth or other natural objects; variations in terrain; and the failure of campers
17 and their guests to recreate safely, in control and within their own abilities."

18 **4. Extent of limitation of civil liability.** The limited civil liability provided in this
19 section does not apply if the person claiming the limitation does any of the following:

20 A. Intentionally causes injury, death or property damage;

21 B. Acts in willful or wanton disregard for the safety of the party or property damaged;
22 or

23 C. Fails to post or provide a warning notice in accordance with subsection 3 of the
24 inherent risks of camping.

25 **SUMMARY**

26 This bill provides private campground owners limited civil liability protection if
27 campers or their guests are injured or killed or sustain property damage from the inherent
28 risks of camping. The campground owner or operator is required to post a warning sign
29 explaining that the campers and their guests assume the inherent risks of camping.