

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 281

H.P. 179

House of Representatives, January 26, 2023

An Act to Require Ski Area Safety Plans and Reporting

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative WILLIAMS of Bar Harbor.

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

2 **Sec. 1. 32 MRSA §15230** is enacted to read:

3 **§15230. Ski area safety and reporting**

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

6 A. "Accident" means an incident resulting in traumatic injury to one or more persons
7 on a ski area's slopes, trails, tramways or adjoining terrain.

8 B. "Anatomical location of injury" means the location on the body where an injury has
9 occurred, including the joints, head, neck, arms above and below the elbow, legs above
10 and below the knee, back, chest, abdomen, hands and feet.

11 C. "Injured person" means a ski area employee or person with a lift ticket or season
12 pass involved in an accident resulting in that employee's or person's death or the
13 necessity of transport to a medical care facility outside the ski area.

14 D. "Number of operational days" means the number of days a ski area is open for
15 skiing during a season or other defined period.

16 E. "Number of skier days" means the number of times a person purchased a lift ticket
17 or used a season pass for one day at a ski area over the course of a season or other
18 defined period.

19 F. "Safety plan" means a written document that details all the governance, management
20 and operational roles, responsibilities and practices of a ski area regarding safety at the
21 ski area, including standards, processes, policies, procedures, methods and materials
22 consistently employed and subject to compliance monitoring by the ski area operators
23 to prevent accidents and reduce the frequency and severity of injuries.

24 G. "Season" means a continuous period of months and days extending from the fall
25 and winter of one year into the winter and spring of a subsequent year during which a
26 ski area is in operation and identified by the year in which it ends.

27 H. "Skiing" means the use of a ski area for snowboarding or downhill skiing, for sliding
28 downhill or jumping on snow or ice on skis or a snowboard or for similar uses of any
29 of the facilities of the ski area, including, but not limited to, ski slopes, trails and
30 adjoining terrain.

31 I. "Terrain difficulty rating" means the designation, related symbols and criteria used
32 by a ski area to communicate the degree of difficulty of the terrain for skiing.

33 J. "Trauma score" means a score using a system generally used by emergency medical
34 professionals to assess the degree of trauma to an injured person.

35 **2. Safety plan.** Beginning in 2024, and annually thereafter, a ski area operator shall
36 create and maintain a safety plan. The safety plan must be accessible on the ski area's
37 publicly accessible website, if the ski area has a publicly accessible website, and must be
38 available in printed form to a skier or other person upon request.

39 **3. Death and injury reporting.** Beginning in 2024, and annually thereafter, an
40 operator of a ski area with a vertical drop of 500 feet or more and at least one aerial tramway
41 shall produce a death and injury report for the preceding season. The report must be easily

1 accessible on the ski area's publicly accessible website, if the ski area has a publicly
2 accessible website, and must be available in printed form upon request. The report must
3 include:

- 4 A. The number of operational days and the number of skier days for the season;
- 5 B. The total area of skiable terrain of the ski area, the terrain difficulty ratings and the
6 percentage of terrain by terrain difficulty rating;
- 7 C. The total number of deaths of injured persons at the ski area or subsequent to
8 transport from the ski area;
- 9 D. The total number of deaths of persons injured on tramways, including entry onto
10 and exit from a tramway, at the ski area or subsequent to transport from the ski area;
- 11 E. The total number of deaths of persons injured on skis at the ski area or subsequent
12 to transport from the ski area;
- 13 F. The total number of deaths of persons injured on snowboards at the ski area or
14 subsequent to transport from the ski area;
- 15 G. The total number of injured persons;
- 16 H. The total number of persons injured during transport on a tramway, including entry
17 onto and exit from a tramway;
- 18 I. The total number of persons injured on skis; and
- 19 J. The total number of persons injured on snowboards.

20 **4. Accident database.** Beginning in 2024 for the preceding season and annually
21 thereafter, an operator of a ski area with a vertical drop of 500 feet or more and at least one
22 aerial tramway shall obtain and document the following data elements for each injured
23 person, excluding the name and any other personally identifying information. These data
24 elements must be maintained in an electronic database in a commonly available format and
25 made available to any person upon request. The database must include:

- 26 A. The circumstances of the injured person's presence at the ski area, including
27 whether the injured person was a ski area employee, lift ticket purchaser or season pass
28 holder or was present at the ski area in some other capacity;
- 29 B. The activity at the time of injury, such as skiing, snowboarding, tramway transport,
30 operating equipment, patrolling or assisting an injured person;
- 31 C. The age and gender of each injured person;
- 32 D. The date and time of injury;
- 33 E. The location of the accident at which the injury occurred, by landmark or global
34 positioning system coordinates;
- 35 F. The terrain difficulty rating at the accident site;
- 36 G. The surface conditions and visibility at the accident site;
- 37 H. The apparent anatomical location of injury or injuries;
- 38 I. The trauma score or scores at the accident site and immediately prior to transport
39 from the ski area;

