

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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Kennebec Journal  
Augusta, Maine  
1979

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**FIRST REGULAR SESSION**  
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**ONE HUNDRED AND NINTH LEGISLATURE**  
1979

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

Sec. 1. 36 MRSA § 1760, sub-§ 3, last sentence, as amended by PL 1977, c. 477, § 10, is repealed.

Sec. 2. 36 MRSA § 1760, sub-§ 6 is repealed and the following enacted in its place:

6. Certain meals. Sales of meals:

A. Serviced by public or private schools, school districts, student organizations and parent-teacher associations to the students or teachers of a school;

B. To patients and inmates of hospitals licensed by the State for the care of human beings and other institutions licensed by the State for the hospitalization or nursing care of human beings, or institutions, agencies, hospitals, boarding homes and boarding houses licensed by the Department of Human Services under Title 22, Subtitle 6, and Title 34, section 2211; and

C. By hospitals, schools, long-term care facilities, food contractors and restaurants to incorporated nonprofit area agencies on aging for the purpose of providing meals to the elderly.

Effective September 14, 1979

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## CHAPTER 514

H. P. 692 — L. D. 870

AN ACT Amending the Law Relating to Elevators and Tramways.

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

Sec. 1. 14 MRSA § 159-A, sub-§ 1, ¶ B, as enacted by PL 1979, c. 253, § 2, is amended to read:

B. "Recreational or harvesting activities" shall mean recreational activities conducted out of doors, including hunting, fishing, trapping, camping, hiking, sight-seeing, operation of snow-traveling vehicles, skiing, **hang-gliding**, boating, sailing, canoeing, rafting or swimming or activities that involve harvesting or gathering forest products. It shall include entry, use of and passage over premises in order to pursue these activities.

Sec. 2. 14 MRSA § 752-B, as enacted by PL 1977, c. 608, § 1, is amended to read:

§ 752-B. Ski areas

All civil actions for property damage, bodily injury or death against a ski area owner or operator or tramway owner or operator or its employees, as defined under Title 26, chapter 5, subchapter V-A, whether based on tort or breach of contract or otherwise, arising out of participation in ~~Alpine or downhill~~ skiing or **hang-gliding** or the use of a tramway associated with skiing or **hang-gliding** shall be commenced within 2 years after the cause of action accrues.

**Sec. 3. 26 MRSA § 488, first and 3rd sentences**, as enacted by PL 1977, c. 543, § 4 and as amended are further amended to read:

It is hereby recognized that ~~Alpine or downhill~~ skiing as a recreational sport and the use of passenger tramways associated therewith may be hazardous to skiers or passengers, regardless of all feasible safety measures which can be taken.

Except as otherwise specifically provided in this subchapter, each skier **who participates in the sport of skiing** shall be deemed to have assumed the risk of **the dangers inherent in the sport** and **assumed the** legal responsibility for any injury to his person or property arising out of his participation in ~~Alpine or downhill~~ **the sport of** skiing, unless the injury or death was actually caused by the negligent operation or maintenance of the ski area by the ski area operator, its agents or employees.

**Sec. 4. 26 MRSA § 489, sub-§ 4**, as enacted by PL 1977, c. 543, § 4, is repealed and the following enacted in its place:

**4. Closed trails.** Ski or otherwise use a slope or trail which has been designated "closed" by the operator without written permission of the operator or his designee; or

**Sec. 5. 26 MRSA § 489, sub-§ 5** is enacted to read:

**5. Removal or destruction of signs.** Remove, alter, deface or destroy any sign or notice placed in the ski area or on the trail by the operator.

**Sec. 6. 26 MRSA § 489-A** is enacted to read:

§ 489-A. Hang-gliding

Hang-gliding is also recognized as a hazardous sport. Therefore, a person who is hang-gliding shall be deemed to have assumed the risk and legal responsibility for any injury to his person or property in the same manner and to the same extent as skiers under this subchapter.