

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

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SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

§1367-C. Limit on obligation to replace or treat water supply wells

If a water supply well is installed after October 1, 1994 to serve a location that immediately before the well installation was served by a viable community public water system, and the well is or becomes contaminated with a hazardous substance:

1. Delineated contaminated area. Neither the commissioner nor any responsible party is obligated under this subchapter to reimburse any person for the expense of treating or replacing the well if the well is installed in an area delineated by the department as contaminated as provided in section 548, subsection 1; and

2. Areas not delineated. The obligation of the commissioner or any responsible party under this subchapter with regard to replacement or treatment of the well is limited to reimbursement of the expense of installing the well and its proper abandonment if the well was installed in an area other than one described in subsection 1. The well owner is responsible in such a case for other expenses of replacing or treating the water supply well, including the cost of any pump or piping installed with the well.

For purposes of this section, "viable community public water system" has the same meaning as in section 548.

See title page for effective date.

CHAPTER 622

H.P. 1342 - L.D. 1809

**An Act to Promote the Continued Use
of Private Lands for Recreation**

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

Sec. 1. 14 MRSA §159-A, as amended by PL 1985, c. 762, §25, is further amended to read:

§159-A. Limited liability for recreational or harvesting activities

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

A. "Premises" ~~shall mean~~ means improved and unimproved lands, private ways, roads, any buildings or structures on those lands and waters standing on, flowing through or adjacent to those lands.

B. "Recreational or harvesting activities" means recreational activities conducted ~~out of doors~~ out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, hiking, sight-seeing, ~~operation of operating~~ snow-traveling and all-terrain vehicles, skiing, hang-gliding, boating, sailing, canoeing, rafting ~~or~~, biking, picnicking, swimming or activities ~~that involve~~ involving the harvesting or gathering of forest products. It ~~shall include~~ includes entry, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial timber harvesting.

2. Limited duty. An owner, lessee, manager or occupant of premises ~~shall owe no~~ does not have a duty of care to keep the premises safe for entry or use by others for recreational or harvesting activities or to give warning of any hazardous condition, use, structure or activity on these premises to persons entering for those purposes.

3. Permissive use. An owner, lessee, manager or occupant who gives permission to another to pursue recreational or harvesting activities on the premises ~~shall~~ does not thereby:

A. Extend any assurance that the premises are safe for those purposes;

B. Make the person to whom permission is granted an invitee or licensee to whom a duty of care is owed; or

C. Assume responsibility ~~for~~ or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

4. Limitations on section. This section ~~shall~~ does not limit the liability ~~which that~~ which would otherwise exist:

A. For a willful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity;

B. For an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for a consideration other than the consideration, if any, paid to the ~~landowner by the State; or~~ following:

(1) The landowner or the landowner's agent by the State; or

(2) The landowner or the landowner's agent for use of the premises on which the injury was suffered, provided that the premises are not used primarily for com-

mercial recreational purposes and that the user has not been granted the exclusive right to make use of the premises for recreational activities; or

C. For an injury caused, by acts of persons to whom permission to pursue any recreational or harvesting activities was granted, to other persons to whom the person granting permission, or the owner, lessee, manager or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

5. **No duty created.** Nothing in this section ~~shall create~~ creates a duty of care or ground of liability for injury to a person or property.

6. **Costs and fees.** The court shall award any direct legal costs, including reasonable attorneys' fees, to an owner, lessee, manager or occupant who is found not to be liable for injury to a person or property pursuant to this section.

See title page for effective date.

CHAPTER 623

H.P. 1351 - L.D. 1817

An Act Creating the York County Budget Committee

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 6-A is enacted to read:

Article 6-A

YORK COUNTY BUDGET COMMITTEE

§831. Committee established

There is established the York County Budget Committee, referred to in this article as the "budget committee," to carry out the purposes of this article. As used in this article, "county commissioners" means the county commissioners of York County and "county" means York County.

§832. Membership

The budget committee consists of 15 voting members and one nonvoting member selected as follows.

1. Municipal and public representatives.

Prior to September 15th each year, elected municipal officials within each commissioner district shall caucus and elect representatives to the budget committee from that district for terms as provided in paragraph A. There must be 3 members from each commissioner district, 2 of whom are elected municipal officials and one of whom is a public representative. No more than one member may represent the same municipality at a time.

A. Members shall serve for 3-year terms, except that initially each district caucus shall select one member for a one-year term, one member for a 2-year term and one member for a 3-year term. If a committee member ceases to be a municipal officer or official during the term of membership, the committee member shall resign the membership and the next district caucus shall elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term.

2. Legislative member. By September 15th each year, the York County legislative delegation shall elect one of the delegation's members to serve as a nonvoting member on the budget committee.

3. Committee chair. The budget committee shall select its own chair each year.

§833. Budget procedures

1. Budget procedures. The county commissioners shall submit itemized finance estimates in the form of a budget to the budget committee no later than 60 days before the end of the county's fiscal year.

2. Budget review process. The budget committee shall review the itemized estimated budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The budget committee shall prepare a proposed budget and may increase, decrease or alter the estimated budget as long as:

A. The budget committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. In the proposed budget, the total estimated revenues, together with the amount of county tax