



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 488

S.P. 153

In Senate, January 31, 2019

**An Act To Provide Campground Owners Immunity from Liability
for 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 Representative O'CONNOR of Berwick and
Senator: KEIM of Oxford, Representatives: HUTCHINS of Penobscot, McDONALD of
Stonington, MORRIS of Turner.

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. Civil immunity 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 leaving a private
7 campground.

8 B. "Camping participant" means a person, other than the private campground owner,
9 who engages in camping, whether or not a fee is paid.

10 C. "Inherent risk of camping" means a danger or condition that is part of camping,
11 including dangers posed by any of the following:

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

14 (2) Uneven or unpredictable terrain;

15 (3) Natural bodies of water and accessories permitting the use of natural bodies
16 of water, including piers, docks, swimming and aquatic sports or recreation
17 facilities or areas;

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

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

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

23 (7) Weather;

24 (8) Insects, birds and other wildlife;

25 (9) Violation of safety rules or disregard for signs communicating warnings;

26 (10) Action by camping participants or visitors that exceed their physical
27 limitations or abilities; or

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

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

1 camping. The campground owner or operator is required to post a warning sign
2 explaining that the camping participant assumes the inherent risks of camping.