

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Provide Campground Owners Immunity from Liability for the Inherent Risks of Camping**

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

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

### **§ 164-C. Civil immunity for inherent risks of camping**

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

- A. "Camping" means all aspects of visiting, staying at, using and leaving a private campground.
- B. "Camping participant" means a person, other than the private campground owner, who engages in camping, whether or not a fee is paid.
- C. "Inherent risk of camping" means a danger or condition that is part of camping, including dangers posed by any of the following:

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

(2) Uneven or unpredictable terrain;

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

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

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

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

(7) Weather;

(8) Insects, birds and other wildlife;

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

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

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

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

**2. Acceptance of inherent risks; immunity.** A camping participant expressly assumes the risk and legal responsibility for any property damage or damages arising from personal injury or death that results from the inherent risk of camping. It is the duty of a camping participant to act within the limits of the camping participant's own ability, to heed all warnings and refrain from acting in a manner that may cause or contribute to the injury of any person or damage to any property. Except as provided in subsection 4, a private campground owner or operator is not liable for any property damage or damages arising from the personal injury or death of a camping participant resulting from the inherent risks of camping. Except as provided in subsection 4, a camping participant or camping participant's representative may not make any claim or recover from a private campground owner or operator for property damage or damages for personal injury or death of a camping participant resulting from the inherent risks of camping.

**3. Warning notice.** For purposes of this section, notice of the inherent risks of camping may be satisfied by a statement signed by the camping participant and a sign or signs prominently displayed at the private campground. A private campground owner or operator shall post a warning notice in substantially the following form at the place of registration:

"WARNING:

Under Maine law, a camper or a guest of the camper in a private campground assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of camping and may not recover damage or damages from any private campground owner or operator for any injury or death resulting from any of the inherent dangers and risks of camping. The inherent dangers and risks of camping include but are not limited to, water activities such as swimming, boating, water-skiing and

fishing; changing weather conditions; surface or subsurface conditions, such as rocks, stumps, trees, forest growth or other natural objects; variations in terrain; and the failure of campers and their guests to recreate safely, in control and within their own abilities."

**4. Exceptions.** Nothing in subsection 2 prevents or limits the liability of a private campground owner or operator if the campground owner or operator:

A. Commits an act or omission that constitutes negligence or reckless disregard for the safety of others, and that act or omission causes an injury or death. For purposes of this section, "reckless" has the same meaning as "recklessly," as defined in Title 17-A, section 35, subsection 3, paragraph A;

B. Has actual knowledge or reasonably should have known of a dangerous condition of the private campground land, facilities or equipment and does not make the danger known to a camping participant, and the danger causes an injury or death; or

C. Intentionally injures a camping participant.

## SUMMARY

This bill provides private campground owners immunity if camping participants or their guests are injured, killed or sustain property damage from the inherent risks of camping. The campground owner or operator is required to post a warning sign explaining that the camping participant assumes the inherent risks of camping.