



Maine Professional Guides Association

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Testimony in Opposition to LD 1761 An Act to Prohibit Indemnification Agreements January 7, 2026

Senator Carney, Representative Kuhn, and members of the committee, my name is James Cote and on behalf of the Maine Professional Guides Association, we submit this legislation in opposition to LD 1761, An Act to Prohibit Indemnification Agreements.

The Maine Professional Guides Association is Maine's oldest and largest organization of licensed Maine guides. We represent approximately 1,000 Maine guides in every corner of the state who provide outdoor experiences of all kinds- from paddleboard yoga, to bear hunting, to remote fly fishing trips, snowmobiling trips, and hiking trips up Katahdin.

Please forgive us as we are not sure whether this hearing is based on the bill as originally printed, or Committee Amendment A from the first regular session. In either case, our message on this topic would be the same: **Maine's tradition of public use of private land is delicate, valuable, appreciated, inextricably linked to quality outdoor experiences, both guided and non-guided.** Private landowners have no obligation to allow the public, or guides, to use their land, yet through their goodwill, and the diligent work of the Maine Legislature for decades, Maine has embraced and designed a system and statutory construct for public recreational access that, on balance, works extremely well and benefits our economy significantly.

In many cases, private landowners and recreational users- be they guides, camp lease holders, or other types of users, enter into mutually beneficial agreements, which allow use of another's property but indemnify the landowner from damages. Indemnification agreements can also be critical components of successful land conservation projects. Without the ability for the user to assume this risk, and for the private landowner to shift that risk through the use of indemnification agreements, we fear that the easiest thing for many landowners to do will be to halt many forms of recreational use and access. Should that become the case, it would be a crushing blow to Maine's guiding community and our rural economy, and we fear that it could jeopardize our land-use tradition that so many here in Maine have worked hard to preserve.

We urge the committee to keep Maine's recreational users and our unique and delicate tradition of public access to private land top of mind during your deliberations. If there is a legal or policy problem that needs to be solved, we urge precision in order to avoid unintended consequences.

Thank you for your consideration.