



NORTH MAINE WOODS INC.

"Managing multiple use of Maine's forests for over 45 years"

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January 5, 2026

Senator Carney
Representative Kuhn
Members of the Judiciary Committee

Bill Greaves
Executive Director
North Maine Woods Inc.

Re: Testimony in opposition to LD 1761, An Act to Prohibit the Transfer of Liability Relating to a Party's Own Negligence or Liability in Contracts.

Dear Senator Carney, Representative Kuhn, and members of the Judiciary Committee. My name is Bill Greaves and I am the Executive Director of North Maine Woods Inc. The North Maine Woods is about 3.5 million acres comprised of private industrial landowners and public lands such as the Allagash Wilderness Waterway. This area is open to public recreational use which is managed by many staffed and automated checkpoints. The North Maine Woods includes approximately 350 campsites which are maintained by a staff of campsite technicians. We experience over 70,000 visitors and 200,000 visitor days each year. The North Maine Woods is considered to be a "Multi-Use Forest" which means that there is a careful balance of the Forest Products Industry and recreational use. Public recreation is there at the discretion of the landowners in the forest products industry. To achieve this, we are governed by a Board of Directors comprised of the private and public ownership. North Maine Woods also manages the KI Jo-Mary Forest in a similar way. As Executive Director, I have oversite of both organizations.

To achieve this and provide protections to our private ownership, there are several elements in place as listed below;

- Landowner Liability Laws
- North Maine Woods Insurance Liability Policies; North Maine Woods Inc. maintains liability insurance should a claim be made.
- Indemnity clauses in our Management Agreements with private landowners; Each landowner who participates in North Maine Woods Inc. maintains a management agreement which includes indemnity language.
- An additional Indemnity Agreement outside of the Management Agreements; In addition to the Management agreement, there is a separate Indemnity agreement.
- An indemnity agreement that each visiting party signs when they register; When a visitor enters the North Maine Woods, they sign a registration form which includes an indemnification clause, as below.

Permittee agrees that the permittors, the North Maine Woods Organization and the owners of real property represented by the said organization shall not be liable or held responsible in any manner, and permittee agrees to hold harmless and indemnify said Organization, owners and permittors for any injury, damage, accident or harm to the person, property, guests, employees, invitees, agents or family of the permittee arising out of or in any way connected with the use, occupation or visitation by the permittee, his guests, employees, invitees, agents, or family of the described site or any land or property of the owners or permittors. Permittee further agrees to indemnify and hold the permittors, North Maine Woods

Organization and said owners, harmless against any and all claims, suits, damages, or causes of action of any nature whatsoever by any person arising out of or in any way connected to the use, occupations or visitation of the described site or any land or property of the permittors or owners, or by any other acts of failure to act, by permittee, his employees, invitees, agents or family. The forgoing indemnification shall include without limitation the costs of defending any such claim including reasonable attorney's fees.

My concerns are that should this legislation pass, it could send a message to private landowners which jeopardizes the nature of public access to private land within the almost 4 million acres of the North Maine Woods and KI Jo-Mary Forest.

Additionally, I am on what is referred to as the LD 1308 committee, or Public Access to Private Land Working Group. This LD was passed in the last legislative session with the intent on reporting back to the legislature this session. I am also on the State Comprehensive Outdoor Recreation Plan or SCORP review committee. Both of these groups are seeking ways that we can better work with private landowners to promote public access. This legislation as it is written is counter productive to both of those efforts. Although there is some comfort in paragraph 3.C., the message to private landowners is still there. If the committee chooses to move forward with this legislation, a suggestion would be to add the following language to paragraph 3.C.;

"Without limiting the generality of the foregoing, this exception includes any release, waiver, or indemnification provided by a person for the purposes of permissive access and activities, including without limitation recreational use on private property."

Public access to private land is a privilege, not a right, and can be withdrawn at any time. As I'm sure that you are aware, Public Access to Private Land is the core of outdoor recreation in Maine and the backbone of our tourism industry.

My concerns also extend to those private landowners outside of the North Maine Woods who allow public access, but do not require their visitors to sign such an indemnification. Should the protections from liability of the landowners be threatened, changes to public access can be made.

Respectfully submitted,
William J Greaves
Executive Director, North Maine Woods