

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 23**

S. P. 26

In Senate, December 4, 1980

Referred to the Committee on Agriculture. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Hichens of York.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT Relating to the Licensing of Stables where Horses are Maintained for Hire.**

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

17 MRSA c. 43, sub-c. VII is enacted to read:

**SUBCHAPTER VII**

**STABLES**

**§ 1241. Definitions**

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings.

1. **Care facilities.** "Care facilities" means any place, building, tract of land, lean-to or vehicle wherein or whereupon one or more horses are fed or kept, or both.

2. **Commercial riding stable.** "Commercial riding stable" means any place, building, tract of land, lean-to or vehicle in which or upon which one or more horses are maintained for hire.

3. **Compensation.** "Compensation" means any kind of payment including but not limited to money, barter or services.

4. **Duly authorized agent.** "Duly authorized agent" means the Commissioner of Agriculture, Food and Rural Resources, or his agents.

5. **Horse.** "Horse" means any member of the equine family, including horses, ponies, mules or donkeys regardless of the age or sex of the animal.

6. **Licensed property.** "Licensed property" includes all property where horses are kept or cared for, or both, which includes but is not limited to buildings, land, lean-to or shelter and which is in compliance with this subchapter.

7. **Person.** "Person" means any individual, firm, partnership, association or corporation.

8. **Sustenance.** "Sustenance" means water, hay, feed, grain or any supplement thereof recommended by a licensed veterinarian.

9. **Tack.** "Tack" means any saddle, bridle, saddle blanket, bit, chin strap, halter, harness or any other object used for driving or riding purposes.

10. **Unfit.** "Unfit" means showing signs of a condition that is life-threatening or severely affects the ability of the horse to perform normally and pain free, including but not limited to:

A. Lameness of any kind indicating pain or suffering unless otherwise certified in writing by a licensed veterinarian;

B. Sores or abrasions caused or likely to be irritated by the bearing surfaces of tack;

C. Obvious signs of emaciation, malnutrition or exhaustion;

D. Blindness in both eyes; or

E. Any disease or other condition that is certified in writing by a licensed veterinarian as impairing normal performance.

#### § 1242. Care facilities

Any person operating a facility used to keep one or more horses shall maintain an environment free from hazardous conditions or objects. He shall provide all horses with some type of shelter, which protects the horse from direct draft, is ventilated where necessary and permits each horse to shelter itself from the weather. If stalls are provided, they shall be of sufficient size to allow each horse to stand or to lie down in a comfortable and normal position. Stalls shall be kept reasonably clean and bedding materials shall be used in an amount sufficient to absorb refuse. Disposal areas shall be adequate to minimize vermin infestation, disease and unnecessary odor.

#### § 1243. Feed and care

Each horse shall be fed a sufficient amount to maintain a normal healthy condition. An amount of feed shall be available on the premises to maintain an adequate feeding program for each horse. Each horse shall be cared for in a

manner considered acceptable for maintaining a normal healthy condition. No horse, regardless of the purposes for which it is owned, shall be ridden or driven, after being declared unfit by a duly authorized agent, until declared fit in writing by a licensed veterinarian after an examination.

**§ 1244. Riding stable license**

A person who accepts compensation for the rental of a horse to ride or drive shall first secure a biennial riding stable license to operate as a stable from the Commissioner of Agriculture, Food and Rural Resources. An application form, supplied by the department, shall be completed and returned to the department with the proper license fee.

The department shall direct an authorized agent to inspect the property within a reasonable time following application, to determine compliance with sections 1242 and 1243. The fee schedule shall be based on the average number of horses kept during the biennium: 1 to 10 horses, \$5, 11 and over, \$10.

The license shall be posted in a conspicuous place on the business premises and is not transferrable. The license period shall begin May 1st of the license year.

**§ 1245. Revocation of license**

The Commissioner of Agriculture, Food and Rural Resources shall, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, promulgate necessary rules and regulations to carry out the purposes of this subchapter. A license may be revoked or suspended in accordance with the Maine Administrative Procedure Act.

**§ 1246. Violation**

Any commercial riding stable found in violation of the rules and regulations promulgated under section 1245 may be refused a license or license renewal.

**§ 1247. Penalty**

Any person operating a commercial riding stable in violation of this subchapter commits a civil violation for which the following forfeitures shall be adjudged: Not less than \$50 for the first offense; not less than \$200, for the 2nd offense; and not less than \$500 for the 3rd and subsequent offenses.

**STATEMENT OF FACT**

The purpose of this bill is to provide for inspection of commercial riding stables to assure more uniform compliance of the state humane laws.