

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1990

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Legislative Document

No. 57

H.P. 41

House of Representatives, December 18, 1990

Reference to the Committee on Agriculture suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TARDY of Palmyra.

Cosponsored by Senator TITCOMB of Cumberland, Representative PINES of Limestone and Senator THERIAULT of Aroostook.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act to Limit the Liability of Sponsors of Equine Activities.**

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

14 MRSA §169 is enacted to read:

§169. Limitations on liability for equine activities

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

A. "Equine" means a horse, pony, mule, donkey or hinny.

B. "Equine activity" means any one or more of the following:

(1) Equine shows, fairs, competitions, performances or parades that involve any breeds of equines, and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, 3-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, endurance trail riding, western games and hunting;

(2) Equine training or teaching activities;

(3) Boarding equines;

(4) Riding, inspecting or evaluating an equine belonging to another whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect or evaluate the equine; and

(5) Rides, trips, hunts or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor.

C. "Equine activity sponsor" means an individual, group, club, partnership or corporation, whether operating for profit or nonprofit, that sponsors, organizes or provides the facilities for an equine activity, including, but not limited to, pony clubs; 4-H clubs; hunt clubs; riding clubs; classes or programs sponsored by a school or college; therapeutic riding programs; and operators, instructors and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs and arenas at which the activities are held.

D. "Participant" means any person, whether amateur or professional, who directly engages in an equine activity,

2 whether or not a fee is paid to participate in the equine  
3 activity.

4 E. "Engages in an equine activity" means a person who  
5 rides, trains, drives or is a passenger upon an equine,  
6 whether mounted or unmounted, and does not mean a spectator  
7 at an equine activity or a person who participates in the  
8 equine activity but does not ride, train, drive or ride as a  
9 passenger upon an equine.

10 F. "Equine professional" means a person engaged for  
11 compensation:

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14 (1) In instructing a participant or renting to a  
15 participant an equine for the purpose of riding,  
16 driving or being a passenger upon the equine; or

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18 (2) In renting equipment or tack to a participant.

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20 2. Immunity for sponsor or equine professional. An equine  
21 activity sponsor or an equine professional is immune from civil  
22 liability for an injury to, or the death of, a participant  
23 engaged in an equine activity and, except as provided in  
24 subsection 3, a participant or a participant's representative may  
25 not maintain an action against an equine activity sponsor or an  
26 equine professional for an injury to, or the death of, a  
27 participant engaged in an equine activity.

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29 3. Exceptions. Nothing in this section applies to the  
30 horse racing industry, or prevents or limits the liability of an  
31 equine activity sponsor or an equine professional:

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33 A. If the equine activity sponsor or the equine  
34 professional:

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36 (1) Provides equipment or tack to a participant and  
37 the equipment or tack causes an injury; or

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39 (2) Provides an equine to a participant and fails to  
40 make reasonable and prudent efforts to determine the  
41 ability of the participant to engage safely in the  
42 equine activity, the ability of the equine to behave  
43 safely with the participant and the ability of the  
44 participant to safely manage the particular equine, and  
45 an injury occurs;

46  
47 B. If the equine activity sponsor or the equine  
48 professional owns, leases, rents or otherwise is in lawful  
49 possession and control of the land or facilities upon which  
50 a participant sustains injuries because of a dangerous  
51 latent condition that was known or should have been known to  
52 the equine activity sponsor or the equine professional and

for which warning signs were not conspicuously posted;

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C. If the equine activity sponsor or the equine professional commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that act or omission causes an injury;

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D. If the equine activity sponsor or the equine professional intentionally injures the participant; or

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E. Under liability provisions as provided in section 221.

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### STATEMENT OF FACT

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This bill places limitations on civil liability for injuries resulting from equine activities.