

# MAINE STATE LEGISLATURE

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L.D. 1925

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AGRICULTURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1415, L.D. 1925, Bill, "An Act to Amend the Equine Licensing Laws"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act amends provisions of the equine industry certification laws, which the Department of Agriculture, Food and Rural Resources is in the process of implementing; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 7 MRSA §4102, sub§§1 to 3, as enacted by PL 1991, c. 779, §41 and affected by §60, are amended to read:

**1. Certification.** A person who boards more than 2 equines for payment or operates a commercial riding facility with more than 2 equines ~~shall obtain a license~~ may apply for certification from the department and receive a certificate upon completion of the certification process. The ~~license~~ certificate expires December 31st annually.

**COMMITTEE AMENDMENT**

~~2. Equine activity permits. The department shall adopt rules for issuing a permit to an equine activity sponsor when the sponsor is not licensed under subsection 1.~~

3. **Certification; criteria.** The department shall by rule establish license fees for boarding stables and commercial riding facilities and permit fees for equine activities sufficient to generate \$5,000 in revenue annually. A license or permit fee may not exceed \$50. The department, in establishing consultation with an advisory committee representing the equine industry, shall establish fees and criteria for licensing certification facilities and permitting activities shall consult with the Maine Equine Advisory Council. The criteria must include promotion of the safety of a participant engaged in an equine activity. The department shall submit the criteria to the joint standing committee of the Legislature having jurisdiction over agriculture matters at least 6 months before they become effective for review and comment. The criteria may not become effective before January 1, 1996.

Sec. 2. 7 MRSA §4102, sub-§5 is enacted to read:

5. Equine activity. The department shall assist the equine industry to develop a plan to organize and promote equine activity throughout the State.

Sec. 3. 7 MRSA §4103, sub-§1, as enacted by PL 1991, c. 779, §41 and affected by §60, is amended to read:

1. **Adherence to standards of care.** Adherence by an equine activity sponsor or an equine professional with a valid license or permit certificate issued under section 4102 to the standards of care within the profession creates a rebuttable presumption that the conduct of the equine activity sponsor or equine professional was not negligent.

Sec. 4. 7 MRSA §4104, as enacted by PL 1991, c. 779, §41 and affected by §60, is repealed.

Sec. 5. 7 MRSA §4104-A is enacted to read:

§4104-A. Equine professional; contracts

1. **Statement of inherent risks.** A written contract entered into by an equine professional for the provision of professional services, instruction or the rental of equipment, tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, must include a statement of the inherent risks of equine activities including, but not limited to:

2 A. The propensity of an equine to behave in ways that may  
4 result in injury, harm or death to persons on or around the  
equine;

6 B. The unpredictability of an equine's reaction to such  
8 things as sounds, sudden movement and unfamiliar objects,  
persons or other animals;

10 C. Certain hazards, such as surface or subsurface  
12 conditions;

14 D. Collisions with other equines or objects; and

16 E. The potential of a participant to act in a negligent  
18 manner that may contribute to injury to the participant or  
others, such as failing to maintain control over the equine  
or not acting within the participant's ability.

20 2. Effective date. This section takes effect January 1,  
22 1996.

24 **Emergency clause.** In view of the emergency cited in the  
26 preamble, this Act takes effect when approved.'

### STATEMENT OF FACT

28 The amendment replaces the bill. As in the bill, the  
30 amendment changes the mandatory licensing process for commercial  
32 riding facilities and persons who board equines for payment to a  
34 voluntary certification process. The Department of Agriculture,  
36 Food and Rural Resources would establish criteria for the  
38 certification and must submit proposed criteria to the joint  
40 standing committee of the Legislature having jurisdiction over  
42 agriculture matters at least 6 months before they become  
effective. The amendment also repeals the permitting process and  
the licensing and permit fees. The amendment requires the  
department to assist the equine industry in developing a plan to  
organize and promote equine activity and changes the effective  
date of the law requiring contracts to include a statement of the  
inherent risks of equine activities.