

MAINE STATE LEGISLATURE

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M.
R. of S.

L.D. 2108

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DATE: June 1, 1999

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

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SENATE AMENDMENT "B" to S.P. 749, L.D. 2108, Bill, "An Act
to Clarify the Equine Activity Law"

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Amend the bill in section 2 in that part designated "~~S~~4101."
in subsection 5 by striking out all of paragraphs J and K (page
2, lines 26 to 30 in L.D.) and inserting in their place the
following:

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'J. Participating in an equine activity sponsored by an
equine activity sponsor;

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K. Participating or assisting a participant in an equine
activity at an equine event;'

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Further amend the bill in section 2 in that part designated
"~~S~~4101." in subsection 7-A by striking out all of paragraph E
(page 4, lines 1 to 4 in L.D.) and inserting in its place the
following:

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'E. Unpredictable or erratic actions by others relating to
equine behavior.'

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Further amend the bill in section 5 in that part designated
"~~S~~4103-A." in subsection 2 by striking out all of paragraph C
(page 5, lines 12 to 14 in L.D.) and inserting in its place the
following:

'C. Commits an act or omission that constitutes reckless
disregard for the safety of the participant and that act or
omission caused the injury. For the purposes of this
section, "reckless" has the same meaning as "recklessly,"
defined in Title 17-A, section 35, subsection 3, paragraph
A; or'

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2 Further amend the bill in section 5 in that part designated
"§4103-A." by inserting after subsection 2 the following:

4 '3. Assumption of risk. In a personal injury action
6 against an equine professional, a defense or immunity described
8 in subsection 1 may be asserted only if the person injured in the
10 course of an equine activity:

12 A. Had actual knowledge of the inherent risks of equine
14 activities;

16 B. Had professed to have sufficient knowledge or experience
18 to be on notice of the inherent risks; or

20 C. Had been notified of the inherent risks and the
22 limitations of liability.

24 For the purposes of this subsection, notice of the inherent risks
26 of equine activities and the limitations of liability of the
28 equine professional may be satisfied either by a statement signed
30 by the person injured containing the following message or by a
32 sign or signs containing the following message,

34 **WARNING**

36 Under Maine law, an equine professional is not liable for an
38 injury to or the death of a person resulting from the inherent
40 risks of equine activities.

42 The message on a sign must be in black letters at least one inch
44 in height and the sign or signs placed in a clearly visible
46 location on or near stables, corrals or arenas where the equine
48 professional conducts equine activities.'

50 Further amend the bill in section 5 in that part designated
52 "§4103-A." by renumbering the subsections to read consecutively.

38 **SUMMARY**

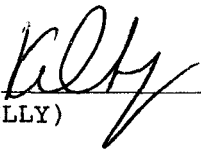
40 This amendment makes several technical changes to the bill.
42 The amendment also allows an equine professional to assert
44 immunity from liability for injury or death of a person resulting
46 from the inherent risks of equine activity if the professional
48 has posted a sign notifying the participant of those inherent
risks and the limitation on the liability of the equine
professional or has obtained a signed written statement from the
person containing the same notification of inherent risks and
liability.

50 This amendment also specifies that an equine activity
52 sponsor, professional or other person is not eligible for

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immunity if that person causes injury or damage to another person
by committing an act or omission that constitutes reckless
disregard for the safety of the participant.

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