

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION

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

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:

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

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

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:

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

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 others 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'

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

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

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

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

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

For the purposes of this subsection, notice of the inherent risks of equine activity may be satisfied either by a statement signed by the person injured or by a sign or signs prominently displayed at the place where the equine activity was initiated. The statement or sign must contain at least the following information.

#### "WARNING

Under Maine law, an equine professional has limited liability for an injury or death resulting from the inherent risks of equine activities."

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

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

#### SUMMARY

This amendment makes several technical changes to the bill. The amendment also allows an equine professional to assert immunity from liability for injury or death of a person resulting from the inherent risks of equine activity if the professional 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.

SENATE AMENDMENT "C " to S.P. 749, L.D. 2108

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