

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2108

S.P. 749

In Senate, March 30, 1999

An Act to Clarify the Equine Activity Law.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KILKELLY of Lincoln.
Cosponsored by Representative PIEH of Bremen and
Senators: BENNETT of Oxford, NUTTING of Androscoggin, SMALL of Sagadahoc,
Representatives: COWGER of Hallowell, GREEN of Monmouth, HONEY of Boothbay,
McKEE of Wayne, SHIAH of Bowdoinham.

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

2
3 Sec. 1. 7 MRSA §3907, sub-§12-A, as enacted by PL 1991, c.
4 779, §13, is repealed.

6 Sec. 2. 7 MRSA §4101, as enacted by PL 1991, c. 779, §41 and
7 affected by §60, is amended to read:

8
9 **§4101. Definitions**

10 As used in this chapter, unless the context otherwise
11 indicates, the following terms have the following meanings.

12
13 ~~1. Boarding stable. "Boarding stable" means a place,~~
14 ~~building or tract of land in or on which privately owned equines~~
15 ~~are kept for their owners in return for a fee.~~

16
17 ~~2. Commercial riding facility. "Commercial riding~~
18 ~~facility" means a place, building or tract of land in or on which~~
19 ~~equines are kept for the purpose of offering to the public~~
20 ~~recreational riding or instruction in riding or driving.~~

21
22 ~~3. Engage in an equine activity. "Engage in an equine~~
23 ~~activity" means to ride, train, drive or be a passenger on an~~
24 ~~equine, whether mounted or unmounted. "Engage in an equine~~
25 ~~activity" does not mean to observe an equine activity or~~
26 ~~participate in an equine activity in a capacity other than~~
27 ~~riding, training, driving or riding as a passenger on an equine.~~

28
29 **4. Equine.** "Equine" means a horse, pony, mule, donkey or
30 hinny. ~~"Equine" does not mean a standardbred horse owned or kept~~
31 ~~for harness racing in accordance with Title 8, chapter 11.~~

32
33 **5. Equine activity.** "Equine activity" means ~~one or more of~~
34 includes but is not limited to the following:

35
36 A. ~~Equine shows, fairs, competitions, performances or~~
37 ~~parades that involve any breeds of equines and any of the~~
38 ~~equine disciplines, including, but not limited to, dressage,~~
39 ~~hunter and jumper horse shows, grand prix jumping, 3-day~~
40 ~~events, combined training, rodeos, driving, pulling,~~
41 ~~cutting, polo, steeplechasing, endurance trail riding,~~
42 ~~western games and hunting Riding or driving an equine or~~
43 ~~riding as a passenger on or in a vehicle powered by an~~
44 ~~equine;~~

45
46 B. Equine training or, teaching or testing activities;

2 C. Boarding equines or keeping an equine, including, but
not limited to, normal daily care of an equine;

4 D. Riding, inspecting or evaluating an equine belonging to
6 another person, whether or not the owner has received some
8 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

10 E. Rides, trips, hunts or other equine activities of any
12 type, however informal or impromptu, that are sponsored by
an equine activity sponsor;

14 F. Providing or assisting in the provision of hoof care,
including, but not limited to, horseshoeing;

16 G. Trailering, loading, unloading or transporting an equine;

18 H. Providing or assisting in the provision of veterinary
20 treatment or maintenance care for an equine;

22 I. Conducting or assisting in the conducting of procedures
24 necessary to breed an equine by means of artificial
insemination or otherwise;

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

28 K. Participating or assisting a participant in an equine
30 event;

32 L. Managing or assisting in the managing of an equine in an
equine event;

34 M. Showing or displaying an equine;

36 N. Operating or assisting in the operation of an equine
38 event;

40 O. Providing or assisting in the provision of equine dental
42 care; and

44 P. Participating in racing.

46 ~~"Equine-activity"-does-not-include-harness-racing.~~

48 **6. Equine activity sponsor.** "Equine activity sponsor"
50 means an individual, group, club, partnership or corporation or
other entity, whether operating for profit or nonprofit, that
sponsors, organizes or provides the facilities for an equine

2 activity, including, but not limited to: pony clubs; 4-H clubs;
3 field trial clubs; hunt clubs; riding clubs; classes or programs
4 sponsored by a school or college; therapeutic riding programs;
5 and operators, instructors and promoters of equine facilities at
6 which equine activities are held, including, but not limited to,
7 stables, clubhouses, ponyride strings, fairs and arenas.

8 6-A. Equine event. "Equine event" means an event in which
9 an equine activity occurs, including, but not limited to, fairs,
10 competitions, performances or parades that involve any breed of
11 equine and any of the equine disciplines, including, but not
12 limited to, dressage, hunter and jumper horse shows, grand prix
13 jumping, 3-day events, combined training, 4-H events, Pony Club
14 events, rodeos, driving, pulling, cutting, reining, team penning,
15 barrel racing, polo, steeplechasing, endurance or nonendurance
16 trail riding, English and western performance riding, games,
17 packing, recreational riding and hunting.

18 7. Equine professional. "Equine professional" means a
19 person engaged for compensation:

20
21 A. In instructing a participant or renting to a participant
22 an equine for the purpose of riding, driving or being a
23 passenger on the equine; or

24
25 B. In renting equipment or tack to a participant;

26
27 C. In providing daily care of equines boarded at an equine
28 facility; or

29
30 D. In training an equine.

31
32 7-A. Inherent risks of equine activities. "Inherent risks
33 of equine activities" means those dangers and conditions that are
34 an integral part of equine activities, including, but not limited
35 to:

36
37 A. The propensity of an equine to behave in ways that may
38 result in damages to property or injury, harm or death to
39 persons on or around the equine. Such equine behavior
40 includes, but is not limited to, bucking, shying, kicking,
41 running, biting, stumbling, rearing, falling and stepping on;

42
43 B. The unpredictability of an equine's reaction to such
44 things as sounds, sudden movements and unfamiliar objects,
45 persons or other animals;

46
47 C. Certain hazards such as surface and subsurface
48 conditions;

49
50 D. Collisions with other equines or objects; and
51
52

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

6 **8. Participant.** "Participant" means a person, whether
7 amateur or professional, who directly engages in an equine
8 activity, whether or not a fee is paid to participate in the
9 equine activity.

10 **9. Spectator.** "Spectator" means a person who is in the
11 vicinity of an equine activity but who is not a participant.

12 **Sec. 3. 7 MRSA §4102**, as amended by PL 1993, c. 650, §§1 and
13 2, is repealed.

14 **Sec. 4. 7 MRSA §4103**, as amended by PL 1993, c. 650, §3, is
15 repealed.

16 **Sec. 5. 7 MRSA §4103-A** is enacted to read:

17 **§4103-A. Liability for equine activities**

18 **1. Liability.** Except as provided in subsection 2, an
19 equine activity sponsor, an equine professional or any other
20 person is not liable for any property damage or damages arising
21 from the personal injury or death of a participant or spectator
22 resulting from the inherent risks of equine activities. Except
23 as provided in subsection 2, a person may not make any claim or
24 recover from any person for any property damage or damages for
25 personal injury or death resulting from the inherent risks of
26 equine activities. Each participant and spectator in an equine
27 activity expressly assumes the risk and legal responsibility for
28 any property damage or damages arising from personal injury or
29 death that results from participation in an equine activity.
30 Each participant has the sole responsibility for knowing the
31 range of that person's ability to manage, care for and control a
32 particular equine or perform a particular equine activity. It is
33 the duty of each participant to act within the limits of the
34 participant's own ability, to maintain reasonable control of the
35 particular equine at all times while participating in an equine
36 activity, to heed all warnings and to refrain from acting in a
37 manner that may cause or contribute to the injury of any person
38 or property.

39 **2. Exceptions.** Nothing in subsection 1 prevents or limits
40 the liability of an equine activity sponsor, an equine
41 professional or any other person engaged in an equine activity,
42 if the equine activity sponsor, equine professional or person:

43

2 A. Provided the equipment or tack, and knew or should have
3 known that the equipment or tack was faulty, and the
4 equipment or tack was faulty to the extent that it did cause
5 the injury;

6 B. Owns, leases, rents or otherwise is in lawful possession
7 and control of the land or facilities upon which the
8 participant sustained injuries because of a dangerous latent
9 condition that was known to the equine activity sponsor,
10 equine professional or person;

11 C. Commits an act or omission that constitutes intentional
12 disregard for the safety of the participant and that act or
13 omission caused the injury; or

14 D. Intentionally injures the participant.

15 **Sec. 6. 7 MRSA §4104-A**, as enacted by PL 1993, c. 650, §5, is
16 repealed.

17 **Sec. 7. 17 MRSA §1011, sub-§12-A**, as enacted by PL 1991, c.
18 779, §43, is amended to read:

19 **12-A. Equine facility.** "Equine facility" means a boarding
20 stable or commercial riding facility ~~that--requires--a--license~~
21 ~~under--Title-7,-section-4102.~~

22

SUMMARY

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24 This bill revises the equine activity laws to confirm that
25 there are inherent risks involved in equine activities that are
26 impracticable or impossible to eliminate due to the nature of
27 equines.
28

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