

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

a lien upon the money until so applied in favor of the bondholders or any trustee as may be provided in respect of the bonds.

**Sec. J-4. 23 MRSA §4425**, as enacted by PL 1981, c. 456, Pt. A, §88, is amended to read:

#### **§4425. Acquisition of land**

Land required for improvement to existing facilities or construction of new facilities undertaken by the Maine Port Authority or in cooperation with the Department of Transportation may be acquired for these purposes in the same manner as provided in section 154 chapter 3, subchapter III.

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

Effective April 8, 1994.

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### **CHAPTER 650**

**H.P. 1415 - L.D. 1925**

#### **An Act to Amend the Equine Licensing Laws**

**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.

~~**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:

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

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

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

D. Collisions with other equines or objects; and

E. The potential of a participant to act in a negligent 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.

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

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

Effective April 8, 1994.

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## CHAPTER 651

H.P. 1439 - L.D. 1965

### An Act to Facilitate Government Investment in Mutual Funds

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

**Sec. 1. 5 MRSA §135, first ¶,** as amended by PL 1993, c. 437, §1, is further amended to read:

The Treasurer of State may deposit the money, including trust funds of the State, in any of the banking institutions or trust companies or state or federal savings and loan associations or mutual savings banks organized under the laws of this State or in any national bank or banks or state or federal savings and loan associations located in the State, except as provided in chapter 161. Before making a deposit, the Treasurer of State must consider the rating of the banking institution, trust company, state or federal savings and loan association or mutual savings bank on its most recent assessment conducted pursuant to the federal Community Reinvestment Act, 12 United States Code, Section 2901. When there is excess money in the State Treasury that is not needed to meet current obligations, the Treasurer of State may invest, with the concurrence of the State Controller or the Commissioner of Administrative and Financial Services and with the consent of the Governor, those

amounts in bonds, notes, certificates of indebtedness or other obligations of the United States that mature not more than 24 months from the date of investment or in repurchase agreements secured by obligations of the United States that mature within the succeeding 24 months, prime commercial paper, tax-exempt obligations ~~or~~, banker's acceptances or shares of an investment company registered under the federal Investment Company Act of 1940, whose shares are registered under the United States Securities Act of 1933, only if the investments of the investment company are limited to obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States or repurchase agreements secured by obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States. The Treasurer of State may participate in the securities loan market by loaning state-owned bonds, notes or certificates of indebtedness of the Federal Government, ~~provided that the~~ only if loans are fully collateralized by treasury bills or cash. The Treasurer of State shall seek competitive bids for investments except when, after a reasonable investigation, it appears that an investment of the desired maturity is procurable by the State from only one source. Interest earned on those investments of money must be credited to the respective funds, except that interest earned on investments of special revenue funds must be credited to the General Fund of the State. Effective November 1, 1991, interest earned on investments of the Highway Fund must be credited to the General Fund. Interest earned on funds of the Department of Inland Fisheries and Wildlife must be credited to the General Fund. Interest earned on funds of the Baxter State Park Authority must be credited to the Baxter State Park Fund. This section does not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of state funds required by the terms of custodial contracts or agreements negotiated in accordance with the laws of this State. All custodial contracts and agreements are subject to the approval of the Governor.

**Sec. 2. 5 MRSA §138, first ¶,** as amended by PL 1991, c. 780, Pt. Y, §10, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Administrative and Financial Services, the Superintendent of Banking and the Attorney General, shall invest all permanent funds held in trust by the State in such securities as are legal investments for savings banks under Title 9-B, except as provided in chapter 161. For purposes of this section, those investments include, without limitation, shares of an investment company registered under the federal Investment Company Act of 1940, whose