

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
119TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
AGRICULTURE, CONSERVATION AND FORESTRY

JULY 1999

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*Sen. Marge L. Kilkelly*  
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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

*CARRIED OVER*.....Bill carried over to Second Regular Session  
*CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses  
*CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died  
*DIED BETWEEN BODIES*.....House & Senate disagree; bill died  
*DIED IN CONCURRENCE*..... One body accepts ONTP report; the other indefinitely postpones the bill  
*DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died  
*EMERGENCY*..... Enacted law takes effect sooner than 90 days  
*ENACTMENT FAILED*..... Bill failed to get vote required for enactment or final passage  
*NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died  
*INDEF PP*.....Bill Indefinitely Postponed  
*ONTP*..... Ought Not To Pass report accepted  
*OTP ND*..... Committee report Ought To Pass In New Draft  
*OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title  
*P&S XXX*..... Chapter # of enacted Private & Special Law  
*PUBLIC XXX*..... Chapter # of enacted Public Law  
*RESOLVE XXX*..... Chapter # of finally passed Resolve  
*UNSIGNED*.....Bill held by Governor  
*VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY PIEH	OTP-AM	S-305 S-379 KILKELLY

LD 2108 proposed repealing current law and enacting a new provision governing liability for equine activities. It proposed giving equine activity sponsors, equine professionals and other persons immunity from liability for property damage or damages arising from personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. The inherent risks of equine activities are defined in the bill. The bill proposed explicit exceptions to the liability protection.

**Committee Amendment "A" (S-305)** proposed an exception from the proposed liability protection when an equine activity occurs in a place designated for spectators or in a place where an equine activity would not be expected to occur.

**Senate Amendment "C" (S-379)** proposed several technical changes to the bill. The amendment proposed allowing an equine professional to assert immunity from liability for injury or death of a person resulting from the inherent risks of equine activity only 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 notification of inherent risks and liability.

This amendment also proposed specifying that an equine activity sponsor, professional or other person is not immune from liability if that person causes injury or damage to another person by committing an act or omission that constitutes "reckless" disregard for the safety of others. The original bill specified that an equine activity sponsor, professional or other person is not immune from liability if that person causes injury or damage to another person by committing an act or omission that constitutes "intentional" disregard for the safety of others.

***Enacted law summary***

Public Law 1999, chapter 498 repeals current law and enacts a new provision governing liability for equine activities. Chapter 498 gives equine activity sponsors, equine professionals or other persons immunity from liability for property damage or for personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. An equine professional is allowed to assert immunity from liability for injury or death of a person resulting from the inherent risks of equine activity only 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 limitations.

Specific exceptions to the liability limitations are provided. An equine activity sponsor, professional or other person is not eligible for 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 others.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM MAJ ONTP MIN	