CHAPTER 743

EQUINE ACTIVITIES

§4101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 779, §41 (NEW); PL 1991, c. 779, §60 (AFF).]

1. Boarding stable.

[PL 1999, c. 498, §2 (RP).]

2. Commercial riding facility.

[PL 1999, c. 498, §2 (RP).]

3. Engage in an equine activity.

[PL 1999, c. 498, §2 (RP).]

4. Equine. "Equine" means a horse, pony, mule, donkey or hinny.
[PL 1999, c. 498, §2 (AMD).]

5. Equine activity. "Equine activity" includes but is not limited to the following:

A. Riding or driving an equine or riding as a passenger on or in a vehicle powered by an equine; [PL 1999, c. 498, §2 (AMD).]

B. Equine training, teaching or testing activities; [PL 1999, c. 498, §2 (AMD).]

C. Boarding or keeping an equine, including, but not limited to, normal daily care of an equine; [PL 1999, c. 498, §2 (AMD).]

D. Riding, inspecting or evaluating an equine belonging to another person, whether or not the owner has received some 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; [PL 1999, c. 498, §2 (AMD).]

E. Rides, trips, hunts or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor; [PL 1999, c. 498, §2 (AMD).]

F. Providing or assisting in the provision of hoof care, including, but not limited to, horseshoeing; [PL 1999, c. 498, §2 (NEW).]

G. Trailering, loading, unloading or transporting an equine; [PL 1999, c. 498, §2 (NEW).]

H. Providing or assisting in the provision of veterinary treatment or maintenance care for an equine; [PL 1999, c. 498, §2 (NEW).]

I. Conducting or assisting in the conducting of procedures necessary to breed an equine by means of artificial insemination or otherwise; [PL 1999, c. 498, §2 (NEW).]

J. Participating in an equine activity sponsored by an equine activity sponsor; [PL 1999, c. 498, §2 (NEW).]

K. Participating or assisting a participant in an equine activity at an equine event; [PL 1999, c. 498, §2 (NEW).]

L. Managing or assisting in the managing of an equine in an equine event; [PL 1999, c. 498, §2 (NEW).]

M. Showing or displaying an equine; [PL 1999, c. 498, §2 (NEW).]

N. Operating or assisting in the operation of an equine event; [PL 1999, c. 498, §2 (NEW).]

O. Providing or assisting in the provision of equine dental care; and [PL 1999, c. 498, §2 (NEW).]

P. Participating in racing. [PL 1999, c. 498, §2 (NEW).]

[PL 1999, c. 498, §2 (AMD).]

6. Equine activity sponsor. "Equine activity sponsor" means an individual, group, club, partnership, corporation or other entity, whether operating for profit or nonprofit, that sponsors, organizes or provides the facilities for an equine activity, including, but not limited to: pony clubs; 4-H clubs; field trial clubs; hunt clubs; riding clubs; classes or programs sponsored by a school or college; therapeutic riding programs; and operators, instructors and promoters of equine facilities at which equine activities are held, including, but not limited to, stables, clubhouses, ponyride strings, fairs and arenas.

[PL 1999, c. 498, §2 (AMD).]

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

[PL 1999, c. 498, §2 (NEW).]

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

A. In instructing a participant or renting to a participant an equine for the purpose of riding, driving or being a passenger on the equine; [PL 1999, c. 498, §2 (AMD).]

B. In renting equipment or tack to a participant; [PL 1999, c. 498, §2 (AMD).]

C. In providing daily care of equines boarded at an equine facility; or [PL 1999, c. 498, §2 (NEW).]

D. In training an equine. [PL 1999, c. 498, §2 (NEW).]

[PL 1999, c. 498, §2 (AMD).]

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

A. The propensity of an equine to behave in ways that may result in damages to property or injury, harm or death to persons on or around the equine. Such equine behavior includes, but is not limited to, bucking, shying, kicking, running, biting, stumbling, rearing, falling and stepping on; [PL 1999, c. 498, §2 (NEW).]

B. The unpredictability of an equine's reaction to such things as sounds, sudden movements and unfamiliar objects, persons or other animals; [PL 1999, c. 498, §2 (NEW).]

C. Certain hazards such as surface and subsurface conditions; [PL 1999, c. 498, §2 (NEW).]

D. Collisions with other equines or objects; and [PL 1999, c. 498, §2 (NEW).]

E. Unpredictable or erratic actions by others relating to equine behavior. [PL 1999, c. 498, §2 (NEW).]

[PL 1999, c. 498, §2 (NEW).]

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

[PL 1991, c. 779, §41 (NEW); PL 1991, c. 779, §60 (AFF).]

9. Spectator. "Spectator" means a person who is in the vicinity of an equine activity but who is not a participant.
[PL 1999, c. 498, §2 (NEW).]

SECTION HISTORY

PL 1991, c. 779, §41 (NEW). PL 1991, c. 779, §60 (AFF). PL 1999, c. 498, §2 (AMD).

§4102. Boarding stables and commercial riding facilities; equine activities

(REPEALED)

SECTION HISTORY

PL 1991, c. 779, §41 (NEW). PL 1991, c. 779, §60 (AFF). PL 1993, c. 650, §§1,2 (AMD). PL 1999, c. 498, §3 (RP).

§4103. Liability for equine activities

(REPEALED)

SECTION HISTORY

PL 1991, c. 779, §41 (NEW). PL 1991, c. 779, §60 (AFF). PL 1993, c. 650, §3 (AMD). PL 1999, c. 498, §4 (RP).

§4103-A. Liability for equine activities

1. Liability. Except as provided in subsection 2, an equine activity sponsor, an equine professional or any other person engaged in an equine activity is not liable for any property damage or damages arising from the personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. Except as provided in subsection 2, a person may not make any claim or recover from any person for any property damage or damages for personal injury or death resulting from the inherent risks of equine activities. Each participant and spectator in an equine activity expressly assumes the risk and legal responsibility for any property damage or damages arising from personal injury or death that results from the inherent risk of equine activities. Each participant has the sole responsibility for knowing the range of that person's ability to manage, care for and control a particular equine or perform a particular equine activity. It is the duty of each participant to act within the limits of the participant's own ability, to maintain reasonable control of the particular equine at all times while participating in an equine activity, to heed all warnings and to refrain from acting in a manner that may cause or contribute to the injury of any person or damage to property.
[PL 1999, c. 498, §5 (NEW).]

2. Exceptions; participants. Nothing in subsection 1 prevents or limits the liability of an equine activity sponsor, an equine professional or any other person engaged in an equine activity, if the equine activity sponsor, equine professional or person:

A. Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and the equipment or tack was faulty to the extent that it did cause the injury; [PL 1999, c. 498, §5 (NEW).]

B. Owns, leases, rents or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition that was known or should have been known to the equine activity sponsor, equine professional or person; [PL 1999, c. 498, §5 (NEW).]

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 [PL 1999, c. 498, §5 (NEW).]

D. Intentionally injures the participant. [PL 1999, c. 498, §5 (NEW).]

[PL 1999, c. 498, §5 (NEW).]

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; [PL 1999, c. 498, §5 (NEW).]

B. Had professed to have sufficient knowledge or experience to be on notice of the inherent risks; or [PL 1999, c. 498, §5 (NEW).]

C. Had been notified of the inherent risks and the limitations of liability. [PL 1999, c. 498, §5 (NEW).]

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.

[PL 1999, c. 498, §5 (NEW).]

4. Exceptions; persons who are not participants. Nothing in subsection 1 prevents or limits the liability of an equine activity sponsor, an equine professional or any other person engaged in an equine activity, if that equine activity:

A. Causes injury or death to a person who is not a participant and who is in a place where a reasonable person would not expect an equine activity to occur; or [PL 1999, c. 498, §5 (NEW).]

B. Causes injury or death to a spectator and that spectator was in a place designated or intended by an activity sponsor as a place for spectators. [PL 1999, c. 498, §5 (NEW).]

[PL 1999, c. 498, §5 (NEW).]

SECTION HISTORY

PL 1999, c. 498, §5 (NEW).

§4104. Equine professional; contracts

(REPEALED)

SECTION HISTORY

PL 1991, c. 779, §41 (NEW). PL 1991, c. 779, §60 (AFF). PL 1993, c. 650, §4 (RP).

§4104-A. Equine professional; contracts

(REPEALED)

SECTION HISTORY

PL 1993, c. 650, §5 (NEW). PL 1999, c. 498, §6 (RP).

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