

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

4-6-64 yes ✓

Joseph A. P. Flynn, Director of State Fire Prevention
Jerome S. Matus, Assistant
of Insurance
Attorney General
Mechanical Rides - Purview of Definition

FACTS:

The Director of State Fire Prevention has requested an interpretation of the definition of "mechanical ride" as set forth in R. S. 1954, c. 100, §69-A.

QUESTION:

Do motorized Go-Karts and motorized Snow Travelers, utilized in motor vehicle races, come within the meaning and intent of "mechanical ride" as defined in R. S. 1954, c. 100, §69-A?

ANSWER:

No.

OPINION:

Motorized Go-Karts and motorized Snow Travelers utilized in motor vehicle racing are not "mechanical rides" within the intent and meaning of R. S. 1954, c. 100, §69-A which states:

" 'Mechanical ride' means a power-operated device by which a person is conveyed, where control by the rider over the speed or direction of travel is incomplete. It does not include a vehicle or device the operation of which is regulated as to safety by any other provision of law except a municipal ordinance under Chapter 90-A, section 3."

Although it is arguable, motorized Go-Karts or motorized Snow travelers are not power-operated devices within the context of R. S. 1954, c. 100, §69-A to 69-F. "Power-operate" is defined as follows:

"To operate (a machine or thing) by mechanical power."
Websters International Dictionary, 2nd. Ed. Unabridged,
p. 1937

April 6, 1964

In the context of the statute, a power-operated device must have a source of power from a mechanism outside the device in which the person is being conveyed.

However, even if motorized Go-Karts or motorized Snow Travelers used in motor vehicle racing were considered power-operated devices, they would still be outside the purview of the definition of "mechanical rides." In every instance there would be at least one rider who has full control over speed and direction of travel, namely the operator or driver. Lack of full control by a rider is a prerequisite for a "mechanical ride."

Jerome S. Matus
Assistant Attorney General

JAM/eh