

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 460

H. P. 351

House of Representatives, January 28, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Donaghy of Lubec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Damages Caused by Traveling Circuses, Carnivals and Public Exhibitions.

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

R. S., T. 8, § 502, amended. Section 502 of Title 8 of the Revised Statutes, as amended by section 7-A of chapter 590 of the public laws of 1969, is further amended by inserting after the first paragraph the following new paragraph:

No traveling circus or traveling amusement show shall exhibit any parade, show or entertainment in this State without first furnishing to the municipal officers a bond written by a surety company qualified to do business in this State in such an amount as the municipal officers may determine, but in no event less than \$1,000. In lieu of such bond the municipal officers may accept a deposit of money or securities in such amount and of such kind as they may approve. The bond shall guarantee payment by the licensee of all proper claims against the licensee for damage to real or personal property in the municipality for which the license is issued and arising out of acts done or omitted to be done by the licensee, his agents or employees. The bond shall be effective for one year from the date of its issuance and any person having such a claim may bring an action upon the bond in the Superior Court of the county in which the municipality is located. In furnishing such a bond the licensee shall be deemed to have appointed a surety company as agent for the service of process upon him or if cash or securities are supplied in lieu of a bond, the licensee shall in writing appoint an agent for the service of process, irrevocably, for the term of the bond, before any license is issued.

STATEMENT OF FACT

There have been a number of cases wherein traveling circuses or carnivals caused damage to property adjoining the circus or carnival ground and left without any means whereby the property owner might be reimbursed or bring an action for damages. This legislation would require a traveling circus or carnival to furnish a bond against which a claim might be made by a person whose real or personal property was damaged by the licensee, his agents or employees.