

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2115**

H. P. 1722

House of Representatives, January 2, 1974

Referred to the Committee on Transportation. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Churchill of Orland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT Relating to the Inspection and Licensing of Motor Vehicle Racing.**

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

**Sec. 1. R. S., T. 8, c. 21, repealed.** Chapter 21 of Title 8 of the Revised Statutes, as amended, is repealed.

**Sec. 2. R. S., T. 8, c. 22, additional.** Title 8 of the Revised Statutes is amended by adding a new chapter 22 to read as follows:

**CHAPTER 22**

**MOTOR VEHICLE RACING**

§ 561. License required; issuance of license

No person or organization shall operate any type of motor vehicle racing within the State unless such person or organization has obtained a license therefor from the Commissioner of Public Safety.

A license for the operation of motor vehicle racing may be issued by the commissioner to the person or organization applying for such license if the commissioner is satisfied that such person or organization has complied with all the provisions of this chapter and all the rules and regulations promulgated by the commissioner pursuant to section 552 and that such person or organization has furnished the commissioner, in an amount to be determined by him, a certificate of public liability insurance to cover the losses, damages or injuries that might ensue to persons or property by reason of the operation of motor vehicle racing.

All licenses issued for the operation of any type of motor vehicle racing shall expire December 31st of each year unless sooner revoked by the commissioner for violation of any provision of this chapter or for violation of any rule or regulation promulgated by the commissioner pursuant to section 552. Any such license issued shall not be transferable or assignable.

#### § 562. Rules and regulations

The Commissioner of Public Safety shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations with respect to the location, erection, construction and maintenance of grandstands, bleachers, stadiums, arenas, fences, safety barriers or other like structures intended primarily to support or protect spectators during any type of motor vehicle racing and with respect to public liability insurance coverage required by section 551.

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State.

The commissioner may waive the requirements of any such rules or regulations to cover any special circumstances or conditions when the commissioner is satisfied that such special circumstances or conditions provide at least the same amount of safety to spectators at motor vehicle races that the rules or regulations, the waiver of which is requested, were intended to provide.

#### § 563. Fees

The fee for the initial and annual inspection of all structures at motor vehicle raceways shall be \$15 and the fee for a license to operate any type of motor vehicle racing shall be \$15. Such fees shall accompany the application and shall be credited to the Department of Public Safety to defray the expenses of the division. The fee for inspections shall not be refundable whether a license is issued or not. Any balance of said fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

#### § 564. Appeal

Any person aggrieved by any rule or regulation adopted by the Commissioner of Public Safety pursuant to this chapter, or the reasonableness of such rule or regulation, or any act or order of the commissioner in enforcing such rule or regulation, may appeal to the Superior Court by filing a complaint therefor, and the court shall fix a time and place of hearing, and cause notice thereof to be given to the commissioner. After the hearing, the court may affirm or reverse the rule, regulation, act or order of the commissioner.

#### § 565. Penalties

Any person or organization who operates any type of motor vehicle racing without a license duly issued therefor shall be punished by a fine of not more than \$1,000.

Any person or organization who operates any type of motor vehicle racing or who locates, erects, constructs or maintains any motor vehicle racing structure except as provided for in the rules and regulations of the Commissioner of Public Safety shall be punished by a fine of not more than \$500 for each offense.

§ 566. Injunctions

In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, regulation, order or decision of the Commissioner of Public Safety, the Superior Court shall have jurisdiction upon complaint filed by the commissioner, or any person duly authorized to act for the commissioner, to restrain or enjoin any person or organization from operating any type of motor vehicle racing or doing any act prohibited by this chapter or prohibited by any rule or regulation of the commissioner. If it is established upon hearing that the person or organization, or the officers, agents, servants or employees of such person or organization, charged has been or is operating any type of motor vehicle racing in violation of any rule, regulation, order or decision of the commissioner, the court shall enter a decree enjoining said person or organization and the officers, agents, servants and employees of said person or organization and any other person from further operation of such motor vehicle racing. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies shall be no defense to this proceeding. The commissioner or his authorized agent shall not be required to give or post bond when making an application for an injunction under this section.

§ 567. Motorcycle racing excluded

This chapter shall not apply to motorcycle racing.

STATEMENT OF FACT

The primary purpose of this Act will be to require filing public liability insurance. This has been done for many years until questioned recently. At the same time the legislation is made current herein.