

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 843

H. P. 713

House of Representatives, March 9, 1977

On motion of Ms. Clark of Freeport, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Burns of Anson.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to Regulation of Traveling Shows.

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

Sec. 1. 8 MRSA c. 15, as amended, is repealed.

Sec. 2. 8 MRSA § 502, as last amended by PL 1971, c. 622, § 141-B, is repealed and the following enacted in its place:

§ 502. Fees; prosecutions; traveling shows

The municipal officers of towns may grant licenses for any of the exhibitions or performances described in section 501, on receiving for their town a sum which they deem proper, 24 hours or more being allowed for the exhibitions or performances as they may determine. They shall prosecute, by complaint for the use of their town, all violations of section 501.

No traveling circus, traveling amusement show or mechanical ride shall operate, exhibit any parade, show or entertainment in this State without first paying a license fee for each calendar year. Application for the license shall be made to the Commissioner of Public Safety and shall contain the name of the person or corporation using or operating the traveling circus, traveling amusement show or mechanical ride, and a statement of proposed territory within the limits of the State, and names of the cities and towns in which the traveling circus, traveling amusement show or mechanical ride is to operate or exhibit. No traveling circus or traveling amusement show or mechanical ride shall exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, in an amount to be determined by him, a certificate of public liability insurance. Upon receipt of the application, accompanied by a certificate of public liability insurance and

upon the payment of required fee, a license shall be issued. No 2 traveling circuses, traveling amusement shows or mechanical rides shall be granted a license to operate within a 30-mile radius of each other or within the same 2-week period unless each circus, show or ride has been operating within a 30-mile radius and 2-week period for the past 15 consecutive years. The license shall be issued in the case of 2 or more circuses, shows or rides to the oldest and the 2-week period requirement shall not be construed to apply to any agricultural society. For circuses having a seating capacity of over 2,000, the license shall be \$500. For circuses having a seating capacity of not more than 2,000, the license fee shall be \$250. For traveling amusement shows such as carnivals, thrill shows, rodeos or similar type performances, the license fee shall be \$250. The mechanical ride license fee shall be \$25 per mechanical ride. A traveling amusement show, having mechanical rides and having secured a traveling amusement show license, shall pay an additional mechanical ride license fee for each mechanical ride over 8 rides. "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 Title 30, section 2151.

License fees shall be credited to the State Fire Marshal's Office to defray expenses of that office. Any balance of 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.

The license shall be further conditioned that a traveling circus, traveling amusement show or mechanical ride being operated in a manner which is dangerous to the safety of the public be stopped until the condition is remedied. Breach of any condition in the license shall be a cause for immediate suspension or revocation of the license, at the discretion of the commissioner.

Any full-time state or local law enforcement officer, as defined in Title 25, section 2805, may stop the operation of any mechanical ride which the officer deems is being operated in a manner dangerous to the safety of the public.

An officer who has so halted a mechanical ride shall, by the quickest reasonable means, notify the commissioner who shall, within 2 business days, make a determination concerning whether or not the mechanical ride license shall be suspended or revoked.

The Commissioner of Public Safety shall make, amend or rescind, after public hearing, notice of which has been duly advertised in the state paper, reasonable rules and regulations for the operation of traveling circuses, traveling amusement shows or mechanical rides.

The exhibiting of any parade, show or entertainment of any traveling circus, traveling amusement show or mechanical ride contrary to this section shall be deemed a misdemeanor, and the person, persons, firm or corporation owning or controlling the traveling circus, traveling amusement show or mechanical ride, or the manager or officer in charge thereof within the State, shall be punished by a fine of not more than \$1,000.

The District Court and Superior Courts in the counties where traveling circuses, traveling amusement shows or mechanical rides exhibit or parade shall have jurisdiction over the offense.

STATEMENT OF FACT

The purpose of this bill is to effect change in license fees for small circuses from \$500 to \$250, and to change the license fee for mechanical rides from \$15 to \$25. Also, owners of mechanical rides will not be required to file public liability insurance.