

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1883

H. P. 1722

House of Representatives, June 15, 1977

Reported by Mr. Rideout from the Committee on Business Legislation and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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Sec. 1. 8 MRSA c. 15, as amended, is repealed.

Sec. 2. 8 MRSA § 502, as last amended by PL 1971, c. 622, § 141-B, is repealed and the following enacted in its place: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 performance 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 or 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 payment of the required fee, a license shall be issued. For amuse-

ment shows, carnivals, thrill shows, ice shows, rodeos or similar types of performances which are held indoors or outdoors the fee shall be \$250. For circuses which are held outdoors or under tents or similar temporary cover or enclosure the fee shall be \$500. For circuses held indoors in an auditorium, arena, civic center or similar type building the fee shall be \$250. For circuses produced in their entirety by a nonprofit, charitable organization a license is required but no fee shall be charged. 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.

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 Court 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 new draft is to change the license fee for indoor circuses from \$500 to \$250, and to change the license fee for mechanical rides from \$15 to \$25. Also, owners of mechanical rides will now be required to file evidence of public liability insurance. In addition, circuses produced by nonprofit charitable organizations will be licensed, but no fee will be required.