

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1051, L.D. 1395)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1569

H.P. 1179

House of Representatives, May 6, 1983

Reported by Representative Cox from the Committee on Legal Affairs and printed under Joint Rule 2.

Original bill presented by Representative Cote of Auburn. Cosponsored by Representative Perry of Mexico and Representative Stover of West Bath.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Amend the Law Governing
Traveling Shows.

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

8 MRSA §502, as repealed and replaced by PL 1977, c. 433, §2, is amended to read:

§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.

1 No traveling circus, traveling amusement show or
2 ~~mechanical ride~~ amusement device shall operate or
3 exhibit any parade, show or entertainment in this
4 State without first paying a license fee for each
5 calendar year. Application for the license shall be
6 made to the Commissioner of Public Safety and shall
7 contain the name of the person or corporation using
8 or operating the traveling circus, traveling amuse-
9 ment show or ~~mechanical ride~~ amusement device, and a
10 statement of proposed territory within the limits of
11 the State, and names of the cities and towns in which
12 the traveling circus, traveling amusement show or
13 ~~mechanical ride~~ amusement device is to operate or
14 exhibit. No traveling circus or traveling amusement
15 show or ~~mechanical ride~~ amusement device shall
16 exhibit any parade, show or entertainment in this
17 State without first furnishing the Commissioner of
18 Public Safety, in an amount to be determined by him,
19 a certificate of public liability insurance. Upon
20 receipt of the application, accompanied by a certifi-
21 cate of public liability insurance and upon payment
22 of the required fee, a license shall be issued. For
23 amusement shows, carnivals, thrill shows, ice shows,
24 rodeos or similar types of performances which are
25 held indoors or outdoors the fee shall be \$250. For
26 circuses which are held outdoors or under tents or
27 similar temporary cover or enclosure the fee shall be
28 \$500. For circuses held indoors in an auditorium,
29 arena, civic center or similar type building the fee
30 shall be \$250. For circuses produced in their
31 entirety by a nonprofit, charitable organization a
32 license is required but no fee shall be charged. The
33 ~~mechanical ride~~ amusement device license fee shall be
34 \$25 per ~~mechanical ride~~ amusement device. A traveling
35 amusement show, having ~~mechanical rides~~ amusement
36 devices and having secured a traveling amusement show
37 license, shall pay an additional ~~mechanical ride~~
38 amusement device license fee for each ~~mechanical ride~~
39 amusement device over 8 rides. "~~Mechanical ride~~"
40 "Amusement device" means a ~~power-operated~~ device by
41 which a person is conveyed, where control by the
42 rider over the speed or direction of travel is incom-
43 plete. It does not include a vehicle or device, the
44 operation of which is regulated as to safety by any
45 other provision of law, except a municipal ordinance
46 under Title 30, section 2151, or any coin-operated
47 kiddie amusement device on a nonmoving base which is
48 designed to accommodate one child.

1 License fees shall be credited to the State Fire
2 Marshal's Office to defray expenses of that office.
3 Any balance of fees shall not lapse but shall be car-
4 ried forward as a continuing account to be expended
5 for the same purposes in the following fiscal years.

6 The license shall be further conditioned that a
7 traveling circus, traveling amusement show or ~~meehan-~~
8 ~~ieal ride~~ amusement device being operated in a manner
9 which is dangerous to the safety of the public be
10 stopped until the condition is remedied. Breach of
11 any condition in the license shall be a cause for
12 immediate suspension or revocation of the license, at
13 the discretion of the commissioner.

14 The Commissioner of Public Safety shall make,
15 amend or rescind, after public hearing, notice of
16 which has been duly advertised in the state paper,
17 reasonable rules ~~and regulations~~ for the operation of
18 traveling circuses, traveling amusement shows or
19 ~~meehanieal rides~~ amusement devices.

20 The exhibiting of any parade, show or entertain-
21 ment of any traveling circus, traveling amusement
22 show or ~~meehanieal ride~~ amusement device contrary to
23 this section shall be deemed a ~~misdeameor~~ civil
24 violation, and the person, persons, firm or corpora-
25 tion owning or controlling the traveling circus,
26 traveling amusement show or ~~meehanieal ride~~ amusement
27 device, or the manager or officer in charge thereof
28 within the State, shall be ~~punished by a fine~~ subject
29 to a forfeiture of not more than \$1,000.

30 The District Court and Superior Court in the
31 counties where traveling circuses, traveling amuse-
32 ment shows or ~~meehanieal rides~~ amusement devices
33 exhibit or parade shall have jurisdiction over the
34 offense.

35 STATEMENT OF FACT

36 The purpose of this new draft is to correct a
37 drafting problem and make clear which sections are
38 changes to existing law. The new draft changes the
39 words "mechanical ride" to "amusement device" and

1 eliminates the word "power-operated" so that
2 nonmechanical safety devices are included. The new
3 draft also excluded coin-operated kiddie rides on a
4 fixed base that accommodate only one child.

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