

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2244

H.P. 1645 House of Representatives, February 11, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Business Legislation
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative PAUL of Sanford.

Cosponsored by Representatives WALKER of Norway, RIDLEY
of Shapleigh and Senator TWITCHELL of Oxford.

STATE OF MAINE

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

AN ACT to Regulate the Operation of
Roller-Skating Rinks.

1
2
3

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

6 Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(23-A)
7 is enacted to read:

1 (23-A) Sport and Roller-Skating Legislative 8 MRSA
2 Entertain- Rink Safety Per Diem \$605
3 ment Board and Expenses

4 Sec. 2. 8 MRSA §601 is amended to read:

5 §601. License required

6 Every person who keeps a roller-skating rink or
7 room shall obtain a license from the municipal
8 officers of the city or town where such the rink is
9 located and shall pay therefor such sum as said
10 the municipal officers may deem proper. Any person
11 keeping a roller-skating rink without such a license
12 shall be punished by a fine commits a civil violation
13 for which a forfeiture of \$10 may be adjudged for each
14 day it is so kept.

15 Sec. 3. 8 MRSA §§603 to 610 are enacted to read:

16 §603. Legislative findings; purpose

17 The Legislature finds that it is in the interest
18 of the State to establish reasonable safety standards
19 for the operation of roller-skating rinks and for the
20 skaters and spectators who use them. Realizing the
21 dangers inherent in the sport of roller skating,
22 regardless of reasonable safety measures which may be
23 employed, the Legislature intends, through this
24 legislation, to define the legal responsibilities of
25 roller-skating rink operators and their agents and
26 employees; to define the responsibilities of skaters
27 and spectators using roller-skating rinks; and to
28 define the rights and liabilities existing between the
29 skater, spectator and the roller-skating rink operator
30 and between skaters.

31 §604. Definitions

32 As used in this chapter, unless the context
33 otherwise indicates, the following terms have the
34 following meanings.

35 1. Board. "Board" means the Roller-Skating Rink
36 Safety Board.

1 2. Commissioner. "Commissioner" means the
2 Commissioner of Public Safety.

3 3. Operator. "Operator" means a person or entity
4 who owns or controls, or who has operational
5 responsibility for, a roller-skating rink. An
6 operator includes this State or a political
7 subdivision of this State.

8 4. Roller-skating rink. "Roller-skating rink"
9 means a building, facility or premise which provides
10 an area used for roller skating.

11 5. Skater. "Skater" means a person wearing
12 roller skates and includes a person not wearing roller
13 skates who is present in a roller-skating rink for the
14 purpose of skating.

15 6. Spectator. "Spectator" means a person who is
16 present in a roller-skating rink for the purpose of
17 observing skating activity, whether recreational or
18 competitive.

19 §605. Roller-Skating Rink Safety Board; creation

20 1. Establishment and membership. The
21 Roller-Skating Rink Safety Board, as established by
22 Title 5, section 12004, subsection 8, shall consist
23 of 5 members to be appointed by the Governor. The
24 board shall be comprised of the following members:
25 Two members of the House of Representatives, one
26 member of the Senate and 2 members of the general
27 public who must have experience as owners or operators
28 of a roller-skating rink. The Governor shall make the
29 appointments within 2 months of the effective date of
30 this section and shall promptly notify the Legislative
31 Council of the appointment.

32 2. Terms of appointment; removal. The terms of
33 the Legislators serving on the board shall be the
34 terms for which they were elected to the Legislature.
35 Nonlegislative members shall be appointed for 3-year
36 terms. Upon expiration of a member's term, that
37 member shall serve until a successor is qualified

1 and appointed. Any appointive member may be removed
2 from office for cause by the Governor. Any vacancy in
3 the board caused by death, resignation or removal of
4 any member shall be filled by appointment for the
5 unexpired term.

6 3. Meetings; officers; quorum. The Governor
7 shall designate one member to serve as chairman and
8 the chairman shall appoint other officers as needed.
9 The board shall hold regular meetings at least 5 times
10 each year to conduct its business. The first meeting
11 shall be called by the chairman; additional meetings
12 shall be held as necessary and may be convened at the
13 call of the chairman or a majority of board members.
14 Three members of the board shall constitute a quorum
15 for all purposes.

16 4. Compensation. Members of the board shall be
17 compensated according to the provisions of Title 5,
18 chapter 379. Officers of the board shall not receive
19 additional compensation for serving in their official
20 capacities.

21 5. Report. The board shall prepare an annual
22 report, which shall be submitted to the joint standing
23 committee of the Legislature having jurisdiction over
24 business legislation, with a copy sent to the Governor
25 by February 1, 1989, and on February 1st of every year
26 thereafter. The report shall examine and make
27 recommendations for the safe and efficient operation
28 of roller-skating rinks and shall determine the extent
29 of compliance with this chapter and with any rules
30 promulgated under the authority of this section. The
31 board, as appropriate, may examine data and practices
32 in this State and other states, may use consultants
33 and recognized experts and may conduct public hearings.

34 6. Rulemaking. The board shall promulgate rules,
35 in accordance with the Maine Administrative Procedure
36 Act, Title 5, chapter 375, for the safe construction,

1 installation, repair, use, operation, maintenance and
2 inspection of all roller-skating rinks, based on
3 generally accepted industry standards, as the board
4 finds necessary for the protection of the general
5 public.

6 §606. Duties and responsibilities of roller-skating
7 rink operators

8 Each roller-skating rink operator, with respect to
9 the operation of a roller-skating rink, shall:

10 1. Post and maintain signs, symbols and notices.
11 Post and maintain the stability and legibility of all
12 signs, symbols and notices as required in this chapter
13 with respect to the duties and responsibilities of
14 roller-skaters, spectators and roller-skating rink
15 operators. The required signs, symbols and notices
16 shall be posted in and around the roller-skating rink
17 in conspicuous places open to the public; and

18 2. Comply with industry standards. Comply with
19 all existing industry standards for the operation of a
20 roller-skating rink.

21 §607. Duties and conduct of skaters

22 Skaters at roller-skating rinks shall have the
23 following duties and shall conduct themselves in the
24 following manner.

25 1. Ability. Each skater has the responsibility
26 for knowing the range of the skater's own ability to
27 negotiate the intended direction of travel while on
28 roller skates and to skate within the limits of that
29 ability.

30 2. Control. Each skater shall maintain control
31 of the skater's own speed and course at all times when
32 skating and maintain proper lookout so as to be able
33 to avoid other skaters and objects. It shall be the
34 primary duty of a person skating to skate in such a

1 manner as to avoid a collision with any person or
2 object within the skater's field of view. It is
3 presumed, unless shown to the contrary by a
4 preponderance of the evidence, that the skater, and
5 not the roller-skating rink operator, is solely
6 responsible for all collisions with any person, object
7 or structure within the skater's field of view.

8 3. Heed posted signs. Each skater shall heed all
9 posted information and other warnings and refrain from
10 acting in a manner which may cause or contribute to
11 the injury of that skater or others. Each skater is
12 presumed to have seen and understood all information
13 posted advising of caution due to a change in floor
14 surface or floor height.

15 4. Entry onto skating surface. Before beginning
16 to skate from a stationary position or before entering
17 the skating surface at the roller-skating rink, the
18 skater has the duty of avoiding moving skaters already
19 on the skating surface.

20 5. Report personal injuries; violation. A skater
21 involved in a collision resulting in personal injury
22 shall report the name and address as provided in
23 section 608.

24 §608. Skating accidents; notice of injury

25 In the event of an accident involving personal
26 injury, the following steps shall be taken.

27 1. Reporting accidents resulting in injury. A
28 skater, spectator or person involved in an accident
29 resulting in personal injury shall, to the extent
30 reasonably able to do so, immediately notify the
31 roller-skating rink operator and shall clearly
32 identify the skater, spectator or person, stating that
33 person's name and address. No person may leave the
34 scene of a collision involving personal injury except
35 for the purpose of securing aid to a person injured in
36 the collision. Any person who leaves the scene of a
37 collision to secure aid shall notify the operator,
38 stating that person's name and address, before leaving
39 the premises.

1 2. Operator to post signs. The roller-skating
2 rink operator shall post signs in conspicuous
3 locations at all entry and exit points, advising all
4 persons entering the premises of their duty to give
5 notice of personal injuries sustained prior to leaving
6 the premises.

7 3. Violation. Any person who violates this
8 section commits a civil violation for which a
9 forfeiture not to exceed \$100 may be adjudged.

10 §609. Assumption of the risk

11 1. Assumption of the risk. Except as otherwise
12 specifically provided in this chapter, each skater who
13 participates in the sport of roller skating is deemed
14 to have assumed the risk of the dangers inherent in
15 the sport and the legal responsibility for any injury
16 or property damage sustained by that skater as a
17 result of participation in the sport of roller
18 skating, unless the injury was actually caused by the
19 negligent operation or maintenance of the
20 roller-skating rink by the roller-skating rink
21 operator, its agents or employees. Except as provided
22 in this section, the responsibility for collisions
23 with any person or object by any skater while actually
24 roller skating shall be solely that of the skater or
25 skaters involved in the collision and not that of the
26 operator. This section does not prevent the
27 maintenance of an action against a roller-skating rink
28 operator for the negligent design, construction,
29 operation or maintenance of a roller-skating rink.

30 2. Failure to notify. Notwithstanding subsection
31 1, any skater, spectator or person who sustains injury
32 at a roller-skating rink who fails to notify the

1 roller-skating rink operator of that injury, in
2 accordance with section 608, prior to leaving the
3 premises or within 3 days of the date of the injury,
4 shall be barred from recovering damages against the
5 roller-skating rink for the injuries for which no
6 notice was provided.

7 §610. Violations

8 A skater, roller-skating rink operator or other
9 person who violates this chapter shall be liable for
10 that portion of the loss or damage resulting from that
11 violation.

12 STATEMENT OF FACT

13 This bill establishes the Roller-Skating Rink
14 Safety Board to regulate the safe construction,
15 installation, repair, use, operation, maintenance and
16 inspection of all roller-skating rinks in the State
17 for the protection of the public. The bill also sets
18 out the duties and responsibilities of roller-skating
19 rink operators and skaters, and provides that skaters
20 assume the risk of injury due to the dangers inherent
21 in the sport, unless the injury was caused by the
22 negligent operation or maintenance of the
23 roller-skating rink by its operator, agents or
24 employees. Finally, the bill makes minor technical
25 changes in the existing law.

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