

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

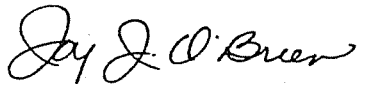
No. 182

S.P. 116

In Senate, February 15, 1989

Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Reference to the Committee on Legal Affairs suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAHILL of Sagadahoc.

Cosponsored by Representative BEGLEY of Waldoboro, Representative MARTIN of Van Buren and Representative MARSH of West Gardiner.

STATE OF MAINE

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

An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates
Issued by the State Fire Marshal.



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

3 **Sec. 1. 8 MRSA §161, 5th ¶,** as amended by PL 1973, c. 78, §2,
5 is further amended to read:

7 A fee of \$10 ~~\$25~~ shall be fixed by the Commissioner of
9 Public Safety for each such license. ~~Said~~ The fee shall accompany
11 the application for such the license and shall not be refunded in
13 those cases in which the premises are inspected and ~~said~~ that fee
 shall be credited to the Department of Public Safety to help
 defray expenses of such those inspections. No fee shall may be
 required for the licensing of public, private or state-owned
 school buildings or municipally-owned buildings.

15 **Sec. 2. 8 MRSA §227, sub-§§1, 2 and 3,** as enacted by PL 1985,
17 c. 23, §2, are amended to read:

19 1. Permit to discharge fireworks. Permit to discharge,
21 fire off or explode fireworks: ~~Fifteen--dollars~~ Twenty-five
 dollars per calendar year;

23 2. Site inspection. Inspection of fireworks display
 sites: ~~Ten--dollars~~ Twenty-five dollars; and

25 3. Display permit for specified period of time. Permit for
27 supervised display of fireworks for period of time specified in
 permit: ~~Twenty--dollars~~ Thirty-five dollars.

29 **Sec. 3. 8 MRSA §502, 2nd ¶,** as amended by PL 1987, c. 737, Pt.
31 C, §§13, 106, is further amended to read:

33 No traveling circus, traveling amusement show or amusement
35 device may operate or exhibit any parade, show or entertainment
37 in this State without first paying a license fee for each
39 calendar year. Application for the license shall be made to the
41 Commissioner of Public Safety and shall contain the name of the
43 person or corporation using or operating the traveling circus,
45 traveling amusement show or amusement device, and a statement of
47 proposed territory within the limits of the State, and names of
49 the cities and towns in which the traveling circus, traveling
51 amusement show or amusement device is to operate or exhibit. No
 traveling circus or traveling amusement show or amusement device
 may 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~~ the commissioner, a certificate of
 public liability insurance issued by an authorized insurer or
 approved surplus lines insurer pursuant to Title 24-A or any risk
 retention group licensed in any state pursuant to the United
 States Code, Title 15, Chapter 65, or through a purchasing group
 licensed in any state pursuant to the United States Code, Title
 15, Chapter 65. Upon receipt of the application, accompanied by a
 certificate of public liability insurance and upon payment of the

1 required fee, a license shall be issued. For amusement shows,
2 carnivals, thrill shows, ice shows, rodeos or similar types of
3 performances which are held indoors or outdoors the fee shall be
4 \$250. For circuses which are held outdoors or under tents or
5 similar temporary cover or enclosure the fee shall be \$500. For
6 circuses held indoors in an auditorium, arena, civic center or
7 similar type building the fee shall be \$250. For circuses
8 produced in their entirety by a nonprofit, charitable
9 organization a license is required but no fee may be charged. The
10 amusement device license fee shall be \$25 ~~\$50~~ per amusement
11 device. A traveling amusement show, having amusement devices and
12 having secured a traveling amusement show license, shall pay an
13 additional amusement device license fee for each amusement device
14 over 8 5 rides. "Amusement device" means a device by which a
15 person is conveyed, where control by the rider over the speed or
16 direction of travel is incomplete. It does not include a vehicle
17 or device, the operation of which is regulated as to safety by
18 any other provision of law, except a municipal ordinance under
19 Title 30-A, section 3001, or any coin-operated kiddie amusement
20 device on a nonmoving base which is designed to accommodate one
21 child.

23 **Sec. 4. 8 MRSA §652**, as repealed and replaced by PL 1977, c.
24 340, §1, is amended to read:

25 **§652. Applications for license; inspections**

26
27 The owner, lessee, tenant or occupant of any building or
28 place of assembly required to be licensed under section 651 shall
29 make application to the Commissioner of Public Safety for that
30 license. Upon receipt of the application, the commissioner shall
31 inspect or cause to be inspected that building or place of
32 assembly to be used for theatrical or motion picture purposes to
33 ascertain its compliance with the ~~statutes and regulations~~ laws
34 and rules. If as a result of the inspection the commissioner is
35 convinced that the ~~regulations~~ rules are fully complied with, he
36 the commissioner may issue a license to the person desiring to
37 operate the theatrical or motion picture production in that
38 building. A fee for a license shall be \$25 ~~\$50~~. All theatrical or
39 motion picture licenses issued shall expire one year after date
40 of issue unless sooner revoked. The fees shall be credited to the
41 State Fire Marshal's Office to defray the expenses of the office.
42 Any balance of those fees shall not lapse but shall be carried
43 forward as a continuing account to be expended for the same
44 purposes in the following fiscal years.

45
46 **Sec. 5. 25 MRSA §2441, sub-§§1, 2 and 3**, as amended by PL 1983,
47 c. 174, §2, are further amended to read:

48
49 1. **Inspection of explosive magazines.** Inspection of
50 explosive magazines: ~~\$10~~ \$25 to include any permit issued;

1 2. Inspection of vehicle used to transport explosives.
Inspection of vehicle used to transport explosives: \$10 \$25 to
3 include any permit issued; and

5 3. Inspection of aboveground flammable liquid storage
facility. Inspection of aboveground flammable liquid storage
7 facility: \$10 \$25 to include any permit issued.

9 Sec. 6. 25 MRSA §2450, as repealed and replaced by PL 1983,
c. 232, §2, is amended to read:

11 §2450. Examinations by State Fire Marshal

13 The Commissioner of Public Safety shall, in accordance with
15 requirements of the Maine Administrative Procedure Act, Title 5,
chapter 375, adopt a schedule of fees for the examination of all
17 plans for construction, reconstruction or repairs submitted to
the Office of the State Fire Marshal. No fee charged pursuant to
19 this section may exceed \$55 \$250. The fees shall be credited to
the State Fire Marshal to defray the expenses of that office. Any
21 balance of the fees shall not lapse, but shall be carried forward
as a continuing account to be expended for the same purpose in
23 the following fiscal years.

25
27 **STATEMENT OF FACT**

29 This bill makes several changes to the fees charged by the
State Fire Marshal for permits, certificates and licenses.

31 The current fee schedule for plans review in the issuance of
33 construction permits is limited to \$55. An increase to \$250 is
provided to more equitably bring it in line with construction
35 permits issued by municipalities.

37 The fee for inspection and permitting of explosive
magazines, vehicles used to transport explosives and aboveground
39 storage facilities is being raised from \$10 to \$25.

41 The fee for the issuance of a theater license is raised from
\$25 to \$50.

43 The fees associated with fireworks display, inspection and
45 permit to discharge are increased as follows:

47 The certificate of competency issued to permit the discharge
of fireworks and the site inspection fee are both raised to
49 \$25; and

51 The permit for fireworks display and exhibition is raised
from \$20 to \$35.

1 The license for traveling amusement will remain unchanged at
\$250; however, each ride over 5 will be charged a \$50 licensing
3 fee. Fixed amusement devices will also be licensed at this rate.