MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1728

H.P. 1256

House of Representatives, January 23, 1996

An Act to Enhance Amusement Ride Safety.

Submitted by the Department of Public Safety pursuant to Joint Rule 24. Reference to the Committee on Criminal Justice suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Representatives: MORRISON of Bangor, THOMPSON of Naples,

WHEELER of Bridgewater.

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

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Sec. 1. 8 MRSA §502, 2nd ¶, as amended by PL 1991, c. 464, §3, is further amended to read:

No A traveling circus, traveling amusement show or amusement 6 <u>not</u> operate or exhibit any parade, entertainment in this State without first paying a license fee 8 for each calendar year. Application for the license must be made 10 to the Commissioner of Public Safety and contain the name of the person or corporation using or operating the traveling circus, traveling amusement show or amusement device, and a statement of 12 proposed territory within the limits of the State, and names of the cities and towns in which the traveling circus, traveling 14 amusement show or amusement device is to operate or exhibit. 16 A traveling circus or traveling amusement show or amusement device may not exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, 18 in an amount to be determined by the commissioner, a certificate 20 of public liability insurance issued by an authorized insurer or approved surplus lines insurer pursuant to Title 24-A or any risk retention group registered in any state pursuant to 15 United 22 States Code, Chapter 65 or through a purchasing group registered 24 in any state pursuant to 15 United States Code, Chapter 65. receipt of the application, accompanied by a certificate of public liability insurance and upon payment of the required fee, 26 a license is issued. For amusement shows, carnivals, thrill 28 shows, ice shows, rodeos or similar types of performances which that are held indoors or outdoors the fee is \$259 \$300. 30 circuses which that are held outdoors or under tents or similar temporary cover or enclosure the fee is \$500. For circuses held 32 indoors in an auditorium, arena, civic center or similar type building the fee is \$250 \$300. For circuses produced in their entirety by a nonprofit, charitable organization a license is 34 required but no fee is charged. The amusement device license fee 36 is \$37-50 \$50 per amusement device. A traveling amusement show, having amusement devices and having secured a traveling amusement show license, must pay an additional amusement device license fee 38 for each amusement device over 5 rides. "Amusement device" means a device by which a person is carried or conveyed, where-centrel 40 by-the-rider-over-the-speed-or-direction-of-travel-is-incomplete 42 or is allowed to move on, around or over a fixed course within a defined area intended to thrill, excite or amuse, including, but not limited to, bungee jumping and water slides, regardless of 44 whether a fee to operate is required. It does not include a 46 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-A, section 3001 or any coin-operated 48 kiddie amusement device on a nonmoving base which that is 50 designed to accommodate one child.

Sec. 2. 8 MRSA §563, as repealed and replaced by PL 1983, c. 210, is amended to read:

§563. Fees

The fee for the inspection of all structures and the annual license for motor vehicle raceways shall-be-\$250 is \$300. The fee permits the holder of any motor vehicle raceway license to provide entertainment events such as auto thrill shows, motorcycle acts and other spectacular stunts at the licensed raceway. These events shall must be included in the certificate of public liability required pursuant to section 562. These fees shall must accompany the application and shall be credited to the Department of Public Safety to defray the expenses of the division. Any balance of these fees shall does not lapse but shall-be is carried forward as a continuing account to be

18 expended for the same purposes in the following years.

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STATEMENT OF FACT

This bill increases the annual fee for safety inspections and licensing of certain amusements and motor vehicle raceways from \$250 to \$300 and increases the amusement device license fee from \$37.50 to \$50. The revenue is dedicated and is used to offset the cost of the licensing and inspections.

This bill also amends the definition of "amusement device."