

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 954

H.P. 664

House of Representatives, February 24, 2005

An Act To Make Fairs and Festivals Safer for Children

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BOWEN of Rockport.

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

4 **Sec. 1. 22 MRSA §1580-E** is enacted to read:

6 **§1580-E. Smoking by amusement ride operators**

8 **1. Definitions.** As used in this section, unless the
context otherwise indicates, the following terms have the
following meanings.

10 A. "Amusement owner" means the owner of an amusement ride
or, if the amusement ride is leased, the lessee. "Amusement
owner" may include a person, the State or a political
subdivision of the State

12 B. "Amusement ride" means:

14 (1) A device that is intended to give amusement,
excitement, pleasure or thrills to children whom the
device carries along or around a fixed or restricted
course or within a defined area; or

16 (2) A structure that gives amusement, excitement,
pleasure or thrills to children who move around, over
or through the structure without the aid of a moving
device integral to the structure.

18 "Amusement ride" does not include a device or structure that
is devoted principally to exhibitions related to
agriculture, the arts, education, industry, religion or
science.

20 C. "Children" means persons 12 years of age or younger.

22 D. "Operator" means an amusement owner or the amusement
owner's employee or agent in actual control of an amusement
ride.

24 **2. Prohibition.** An amusement ride operator may not smoke
while operating an amusement ride.

26 **3. Violation.** An amusement ride operator who violates this
section commits a civil violation for which a fine of not more
than \$100 may be adjudged. The Bureau of Health may enforce the
provisions of this section.

28 **SUMMARY**

30 This bill prohibits a person from smoking while operating an
32 amusement ride for children 12 years of age or younger.