

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1745

H.P. 1287

House of Representatives, January 5, 2012

### An Act To Privatize the Inspection of Amusement Rides in Maine

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.  
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HASKELL of Portland.

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

2 **Sec. 1. 8 MRSA c. 18** is enacted to read:

3 **CHAPTER 18**

4 **AMUSEMENT RIDES AND SHOWS**

5 **§481. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Amusement ride.** "Amusement ride" means a device or combination of devices  
9 or elements that carry, convey or direct a person over or through a fixed or restricted  
10 course or within a defined area for the primary purpose of amusement or entertainment.  
11 "Amusement ride" does not include nonmechanized playground equipment or a coin-  
12 operated ride that is manually, mechanically or electrically operated, is customarily  
13 placed in a public location and does not normally require the supervision or services of an  
14 operator.

15 **2. Amusement show.** "Amusement show" means a fixed or traveling show, whether  
16 held indoors or outdoors, for which admission is charged and that is designed to provide  
17 amusement to members of the public, except that "amusement show" does not include a  
18 circus. "Amusement show" includes but is not limited to a carnival, thrill show, ice show  
19 and rodeo.

20 **3. ASTM standards.** "ASTM standards" means the standards on amusement rides  
21 established by ASTM International or a successor organization and adopted by the  
22 commissioner by rule pursuant to section 485.

23 **4. Certified amusement ride inspector.** "Certified amusement ride inspector"  
24 means an individual who holds a current amusement ride inspector certificate pursuant to  
25 section 483.

26 **5. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

27 **6. Operator.** "Operator" means an individual having direct control of the starting,  
28 stopping or speed of an amusement ride.

29 **7. Owner.** "Owner" means a person who owns, leases or manages the operation of  
30 an amusement ride.

31 **8. Rider.** "Rider" means a customer of an amusement ride. "Rider" includes a  
32 customer of an amusement ride who is waiting in the vicinity to get on an amusement ride  
33 and a departing customer who is still in the vicinity of the amusement ride.

1           **§482. Amusement rides**

2           **1. Inspection required.** An amusement ride must be inspected at least once  
3 annually by a certified amusement ride inspector.

4           A. In order to be operated in this State, an amusement ride must comply with the  
5 applicable ASTM standards.

6           B. An amusement ride that is not operated in the State on a year-round basis must be  
7 inspected in the same calendar year in which the amusement ride is operated in the  
8 State, prior to either July 1st or the first operation of the amusement ride in the State,  
9 whichever is sooner.

10          C. An amusement ride that does not pass an inspection or reinspection required by  
11 this section must pass a reinspection in the same calendar year before being operated  
12 in the State.

13          D. If an inspection reveals that an amusement ride does not meet the applicable  
14 ASTM standards, the certified amusement ride inspector shall notify the owner of all  
15 defects.

16          E. An operator may not operate an amusement ride unless:

17           (1) The amusement ride passed the most recent annual inspection required by  
18 this section; or

19           (2) All defects identified during the most recent annual inspection have been  
20 corrected and the amusement ride passes reinspection.

21          F. Before an amusement ride may be operated, a certified amusement ride inspector  
22 must affix to the ride an inspection decal, received from the Office of the State Fire  
23 Marshal pursuant to subsection 4, that contains a date and certification number.

24          G. A certified amusement ride inspector shall file an affidavit of inspection with the  
25 Office of the State Fire Marshal within 10 days after completion of an inspection. The  
26 affidavit must contain:

27           (1) The owner's name;

28           (2) The name of the amusement ride;

29           (3) The name of the manufacturer of the amusement ride;

30           (4) The serial number of the amusement ride;

31           (5) The date of inspection; and

32           (6) The certified amusement ride inspector's name and certification number.

33          H. An amusement ride that has been modified or altered in a manner that changes its  
34 dynamics or control system from that of the original manufacturer's design or  
35 specification since its most recent annual inspection must be inspected by a certified  
36 amusement ride inspector before it may be operated in the State.

37          I. Following a serious injury or illness involving an amusement ride, the amusement  
38 ride must be inspected by a certified amusement ride inspector and approved by the  
39 commissioner before it may be operated in the State. As used in this paragraph,

1 "serious injury or illness" means an injury or illness that results in death,  
2 dismemberment, disfigurement, compound fracture of a body part or permanent loss  
3 of the use of a body part or organ, function or system or that requires hospital  
4 admission within 24 hours of the occurrence of the injury or illness involving the  
5 amusement ride.

6 J. An owner or operator shall make an amusement ride available for inspection at all  
7 reasonable times and places requested by a certified amusement ride inspector.

8 An inspection or reinspection required by this section must include an evaluation  
9 consistent with the applicable ASTM standards.

10 The inspections required by this section are in addition to any other inspections required  
11 or permitted by law.

12 **2. Insurance requirements.** An owner shall provide the certified amusement ride  
13 inspector with a copy of a certificate of public liability insurance in a minimum amount  
14 of \$1,000,000 at the time of inspection.

15 **3. Operator requirements.** An owner must have a documented training policy for  
16 the operation of each amusement ride owned by the owner. The owner shall maintain a  
17 written certification for each operator, providing documented proof that the operator has  
18 received the training required by the training policy for the amusement ride.

19 **4. Inspection decals.** Inspection decals must be furnished to certified amusement  
20 ride inspectors by the Office of the State Fire Marshal.

21 A. Inspection decals remain the property of the Office of the State Fire Marshal.

22 B. The commissioner shall establish by rule the fee for an inspection decal.

23 C. A certified amusement ride inspector must stock a sufficient number of inspection  
24 decals to meet all demands.

25 D. Within 20 working days of the end of a calendar year or upon the revocation of a  
26 certified amusement ride inspector's certification, the certified amusement ride  
27 inspector shall return unused inspection decals to the Office of the State Fire Marshal,  
28 who shall issue a refund in the amount of the fee paid under paragraph B or exchange  
29 the unused decals for inspection decals valid for the next calendar year.

30 **5. Recording and reporting.** An owner shall maintain a first aid incident report log  
31 for all rider injuries or illnesses, other than minor injuries or illnesses, resulting from the  
32 operation of an amusement ride. The report log must include the following:

33 A. The date the injury or illness occurred;

34 B. The name, address and telephone number of the rider who received first aid  
35 service or treatment;

36 C. The age of the rider;

37 D. The manufacturer and serial number of the amusement ride involved in the injury  
38 or illness;

39 E. A description of the injury or illness;

1           F. A description of any first aid service or treatment administered; and

2           G. Any other information considered pertinent by the owner.

3           **6. Violation.** A person who operates an amusement ride in violation of this section  
4 commits a civil violation for which a fine of not more than \$1,000 may be assessed upon  
5 the owner of the amusement ride.

6           **§483. Certification of amusement ride inspectors**

7           **1. Requirements.** To receive an amusement ride inspector certificate from the  
8 commissioner, an applicant must:

9           A. Hold one or more of the following current certifications:

10                   (1) An intermediate or advanced certification as an amusement ride and device  
11 inspector issued by a national association of amusement ride safety officials; or

12                   (2) An intermediate or advanced certification as an amusement ride and device  
13 inspector issued by a national organization of manufacturers and suppliers for the  
14 amusement ride industry; and

15           B. Be at least 21 years of age.

16           **2. Application.** In order to become a certified amusement ride inspector, an  
17 applicant must submit a completed application form to the Office of the State Fire  
18 Marshal, on a form provided by that office, along with:

19                   A. Documented proof of any certification required under subsection 1, paragraph A;  
20 and

21                   B. An application fee established by the commissioner by rule.

22           **3. Violation.** An individual commits a Class E crime if that individual knowingly:

23                   A. Provides false information in applying for an amusement ride inspector  
24 certificate; or

25                   B. Affixes an inspection decal to an amusement ride that has not passed an  
26 inspection or reinspection in accordance with section 482, subsection 1.

27           **§484. Amusement shows**

28           **1. License required.** A person may not operate an amusement show without first  
29 obtaining a license from the commissioner. A license application must include the  
30 following:

31                   A. A certificate of public liability insurance in an amount established by the  
32 commissioner by rule; and

33                   B. An application to operate that is approved by the Office of the State Fire Marshal.

34           **2. License fee.** The license fee for an amusement show is \$300 annually.

