

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 460

H.P. 299

House of Representatives, February 24, 2015

**An Act To Restore Liability Insurance Requirements for
Amusement Rides and Other Public Exhibitions**

(EMERGENCY)

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COOPER of Yarmouth.
Cosponsored by Senator BREEN of Cumberland and
Representatives: DION of Portland, KORNFELD of Bangor, TIMMONS of Cumberland.

1 operate or exhibit. A traveling circus or traveling amusement show or amusement device
2 may not exhibit any parade, show or entertainment in this State without first furnishing
3 the Commissioner of Public Safety, in an amount to be determined by the commissioner,
4 a certificate of public liability insurance issued by an authorized insurer or approved
5 surplus lines insurer pursuant to Title 24-A or any risk retention group registered in any
6 state pursuant to 15 United States Code, Chapter 65 or through a purchasing group
7 registered in any state pursuant to 15 United States Code, Chapter 65. Upon receipt of
8 the application, accompanied by a certificate of public liability insurance and upon
9 payment of the required fee, a license is issued. For amusement shows, carnivals, thrill
10 shows, ice shows, rodeos or similar types of performances that are held indoors or
11 outdoors the fee is \$300. For circuses that are held outdoors or under tents or similar
12 temporary cover or enclosure the fee is \$500. For circuses held indoors in an auditorium,
13 arena, civic center or similar type building the fee is \$300. For circuses produced in their
14 entirety by a nonprofit, charitable organization a license is required but no fee is charged.
15 The amusement device license fee is \$50 per amusement device. A traveling amusement
16 show, having amusement devices and having secured a traveling amusement show
17 license, must pay an additional amusement device license fee for each amusement device
18 over 5 rides. "Amusement device" means a device by which a person is carried or
19 conveyed, or is allowed to move on, around or over a fixed course within a defined area
20 intended to thrill, excite or amuse, including, but not limited to, bungee jumping and
21 water slides, regardless of whether a fee to operate is required. It does not include a
22 vehicle or device the operation of which is regulated as to safety by any other provision
23 of law, except a municipal ordinance under Title 30-A, section 3001 or any coin-operated
24 kiddie amusement device on a nonmoving base that is designed to accommodate one
25 child.

26 License fees must be credited to a special revenue account to defray expenses in
27 carrying out this section. Any balance of fees may not lapse but must be carried forward
28 as a continuing account to be expended for the same purposes in the following fiscal
29 years.

30 The license must be further conditioned that a traveling circus, traveling amusement
31 show or amusement device being operated in a manner that is dangerous to the safety of
32 the public be stopped until the condition is remedied. Breach of any condition in the
33 license is a cause for immediate suspension or revocation of the license, at the discretion
34 of the Commissioner of Public Safety.

35 The Commissioner of Public Safety shall make, amend or rescind, after public
36 hearing, notice of which has been duly advertised in the state paper, reasonable rules for
37 the operation of traveling circuses, traveling amusement shows or amusement devices.

38 The exhibiting of any parade, show or entertainment of any traveling circus, traveling
39 amusement show or amusement device contrary to this section is a civil violation, and the
40 person, persons, firm or corporation owning or controlling the traveling circus, traveling
41 amusement show or amusement device, or the manager or officer in charge of the
42 traveling circus, traveling amusement show or amusement device within the State, is
43 subject to a forfeiture of not more than \$1,000.

