

# MAINE STATE LEGISLATURE

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L.D. 697

1  
2 Date: 5/15/15 Majority (Filing No. H-145)

3 **CRIMINAL JUSTICE AND PUBLIC SAFETY**

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5 **STATE OF MAINE**  
6 **HOUSE OF REPRESENTATIVES**  
7 **127TH LEGISLATURE**  
8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to H.P. 473, L.D. 697, Bill, "An Act To  
10 Restore Public Safety Programs in the Department of Public Safety and the Department  
11 of Professional and Financial Regulation"

12 Amend the bill by striking out the title and substituting the following:

13 **'An Act To Restore Public Safety Programs in the Department of Public Safety'**

14 Amend the bill by striking out everything after the title and before the summary and  
15 inserting the following:

16 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
17 become effective until 90 days after adjournment unless enacted as emergencies; and

18 **Whereas,** this legislation needs to take effect before the expiration of the 90-day  
19 period to enhance public safety by restoring regulation and inspection of amusement  
20 rides, amusement shows, traveling circuses and amusement devices by the Office of the  
21 State Fire Marshal; and

22 **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
23 the meaning of the Constitution of Maine and require the following legislation as  
24 immediately necessary for the preservation of the public peace, health and safety; now,  
25 therefore,

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

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

28 **CHAPTER 18**

29 **AMUSEMENT RIDES AND SHOWS**

30 **§471. Definitions**

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

**COMMITTEE AMENDMENT**

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

8 2. Amusement ride inspector. "Amusement ride inspector" means an amusement  
9 ride inspector employed by the Office of the State Fire Marshal.

10 3. Amusement show. "Amusement show" means a fixed or traveling show, whether  
11 held indoors or outdoors, for which admission is charged and that is designed to provide  
12 amusement to members of the public, except that "amusement show" does not include a  
13 circus. "Amusement show" includes but is not limited to a carnival, thrill show, ice show  
14 and rodeo.

15 4. ASTM standards. "ASTM standards" means standards for amusement rides  
16 established by American Society for Testing and Materials International or a successor  
17 organization and adopted by the commissioner by rule.

18 5. Commissioner. "Commissioner" means the Commissioner of Public Safety.

19 6. Operator. "Operator" means an individual having direct control of the starting,  
20 stopping or speed of an amusement ride.

21 7. Owner. "Owner" means a person who owns or leases or manages the operation of  
22 an amusement ride.

23 8. Rider. "Rider" means a customer of an amusement ride. "Rider" includes a  
24 customer of an amusement ride who is waiting in the vicinity to get on the amusement  
25 ride and a departing customer who is still in the vicinity of the amusement ride.

26 **§472. Amusement rides**

27 1. Inspection required. An amusement ride must be inspected at least once  
28 annually by an amusement ride inspector.

29 A. In order to be operated in this State, an amusement ride must comply with the  
30 applicable ASTM standards for that amusement ride.

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

35 C. If an inspection reveals that an amusement ride does not meet the applicable  
36 ASTM standards, an amusement ride inspector shall notify the owner of all defects.

37 D. An operator may not operate an amusement ride unless the amusement ride  
38 passed the most recent annual inspection required by this section.

39 E. Before an amusement ride may be operated, an amusement ride inspector must  
40 affix to the amusement ride an inspection decal that contains the date the amusement  
41 ride passed inspection and an identifying number of the inspection decal.

1 F. An amusement ride that has been modified or altered in a manner that changes its  
2 dynamics or control system from that of the original manufacturer's design or  
3 specification since its most recent annual inspection must be inspected by an  
4 amusement ride inspector before it may be operated in the State.

5 G. Following a serious injury or illness involving an amusement ride, the amusement  
6 ride must be inspected by an amusement ride inspector and approved by the  
7 commissioner before it may be operated in the State. As used in this paragraph,  
8 "serious injury or illness" means an injury or illness that results in death,  
9 dismemberment, disfigurement, compound fracture of a body part or permanent loss  
10 of the use of a body part or organ, function or system or that requires hospital  
11 admission within 24 hours of the occurrence of the injury or illness involving the  
12 amusement ride.

13 H. An owner or operator shall make an amusement ride available for inspection at all  
14 reasonable times and places upon request of an amusement ride inspector.

15 **2. Insurance requirements.** An owner shall provide an amusement ride inspector  
16 with a copy of a certificate of public liability insurance in a minimum amount of  
17 \$1,000,000 at the time of inspection.

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

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

25 A. The date the injury or illness occurred;

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

28 C. The age of the rider;

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

31 E. A description of the injury or illness;

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

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

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

37 **6. Application and inspection required.** A person may not operate an amusement  
38 ride prior to filing an application with the Office of the State Fire Marshal and before the  
39 amusement ride passes inspection as required in this section. An application must be  
40 accompanied by payment of an application fee in an amount set by rule adopted by the

1 commissioner not to exceed \$100 per amusement ride. An application must include the  
2 following:

3 A. The name of the person or corporation operating the amusement ride;

4 B. A statement of proposed territory within the limits of the State, including the  
5 names of the cities and towns, in which the amusement ride is to operate; and

6 C. A certificate of public liability insurance from an insurer approved by the  
7 commissioner in accordance with subsection 2.

8 **§473. Amusement ride inspection fee**

9 The amusement ride inspection fee is \$75 per inspector per hour with a minimum  
10 charge of \$75.

11 **§474. Amusement shows**

12 1. License required. A person may not operate an amusement show without first  
13 obtaining a license from the commissioner. A license application must include the  
14 following:

15 A. The name of the person or corporation operating the amusement show;

16 B. A statement of proposed territory within the limits of the State, including the  
17 names of the cities and towns, in which the amusement show is to operate; and

18 C. A certificate of public liability insurance from an insurer approved by the  
19 commissioner in an amount established by the commissioner by rule.

20 2. License fee. The license fee to operate an amusement show is \$300 annually.

21 3. Violation. A person who operates an amusement show in violation of this section  
22 commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

23 **§475. Traveling circus and amusement devices**

24 1. License required. A traveling circus may not operate or exhibit any parade, show  
25 or entertainment in this State without first obtaining a license from the commissioner for  
26 each calendar year. An amusement device may not be operated in this State without first  
27 obtaining a license from the commissioner. A license application must include the  
28 following:

29 A. The name of the person or corporation using or operating the traveling circus or  
30 amusement device;

31 B. A statement of proposed territory within the limits of the State, including the  
32 names of the cities and towns, in which the traveling circus or amusement device is to  
33 exhibit or operate; and

34 C. A certificate of public liability insurance from an insurer approved by the  
35 commissioner in an amount to be determined by the commissioner by rule.

36 Upon receipt of the application, accompanied by a certificate of public liability insurance  
37 and, for a traveling circus required to pay a license fee under subsection 2, payment of the  
38 required fee, the commissioner shall issue a license.

1           **2. License fees.** The following license fees apply.

2           A. For traveling circuses that are held outdoors or under tents or similar temporary  
3           cover or enclosure, the fee is \$500.

4           B. For traveling circuses held indoors in an auditorium, arena, civic center or similar  
5           type building, the fee is \$300.

6           For traveling circuses produced in their entirety by a nonprofit charitable organization, a  
7           license is required but no fee is charged.

8           **3. Inspection fee.** An amusement device may be inspected as determined necessary  
9           to protect the public safety by the commissioner. The amusement device inspection fee is  
10          \$75 per inspector per hour with a minimum charge of \$75.

11          **4. Amusement device defined.** For purposes of this section, "amusement device"  
12          means a device by which a person is carried or conveyed or is allowed to move on,  
13          around or over a fixed course within a defined area intended to thrill, excite or amuse,  
14          including, but not limited to, bungee jumping and water slides, regardless of whether a  
15          fee to use the device is charged. "Amusement device" does not include an amusement  
16          ride, vehicle or device the operation of which is regulated as to safety by any other  
17          provision of law, except a municipal ordinance under Title 30-A, section 3001, or any  
18          coin-operated amusement device on a nonmoving base that is designed to accommodate  
19          one child.

20          **§476. Rulemaking**

21          The commissioner shall adopt rules to implement this chapter. Rules adopted  
22          pursuant to this section are routine technical rules pursuant to Title 5, chapter 375,  
23          subchapter 2-A.

24          **Sec. 2. 8 MRSA §658,** as amended by PL 2013, c. 595, Pt. U, §5, is further  
25          amended to read:

26          **§658. Unincorporated places**

27          County commissioners within their counties and counties within their limits shall  
28          respectively exercise over unincorporated places all the powers of municipal officers and  
29          towns under chapters ~~3, 7 and 18~~ 20 to 25.

30          **Sec. 3. 8 MRSA §701,** as amended by PL 2013, c. 595, Pt. U, §6, is further  
31          amended to read:

32          **§701. Jurisdiction**

33          All penalties provided in chapters 3, 7 and ~~18~~ 20 to 25 must be recovered by  
34          complaint for the use of the town where incurred.

35          **Sec. 4. 22 MRSA §1607,** as amended by PL 2013, c. 595, Pt. U, §8, is further  
36          amended to read:





# 127th MAINE LEGISLATURE

LD 697

LR 526(02)

## An Act To Restore Public Safety Programs in the Department of Public Safety and the Department of Professional and Financial Regulation

Fiscal Note for Bill as Amended by Committee Amendment "A" (CH-145)  
Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
<b>Revenue</b>				
Other Special Revenue Funds	\$109,725	\$109,725	\$109,725	\$109,725

#### Fiscal Detail and Notes

The bill establishes amusement ride inspection requirements with a fee of \$75 per hour. It also establishes a permit application process with a \$100 fee. Other Special Revenue Funds revenue within the Department of Public Safety will increase by \$109,725 beginning in fiscal year 2015-16 from these fees based upon 775 hours to inspect rides and 516 permits.