

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 971

S.P. 343

In Senate, March 18, 2015

An Act To Reinstate the State Fire Marshal's Authority To Inspect Amusement Rides

(EMERGENCY)

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
Secretary of the Senate

Presented by President THIBODEAU of Waldo.

- 1 B. Pageantry;
- 2 C. Sleight of hand tricks;
- 3 D. A puppet show;
- 4 E. A circus;
- 5 F. A traveling amusement show;
- 6 G. A feat of balancing, wire dancing, personal agility or dexterity; or
- 7 H. A theatrical performance.

8 An exhibition or performance that takes place at a museum is not subject to the
9 requirements of this section.

10 **2. License.** A municipality may grant a license for an exhibition or performance
11 required pursuant to subsection 1.

12 **3. Fine.** A person who violates subsection 1 commits a civil violation for which a
13 fine of not less than \$10 nor more than \$100 may be adjudged.

14 **§483. Amusements requiring license from the State**

15 **1. License required.** A traveling circus, traveling amusement show or amusement
16 device may not operate or exhibit any parade, show or entertainment in this State without
17 first obtaining a license from the Commissioner of Public Safety. A license application
18 must include:

19 A. The name of the person or corporation using or operating the traveling circus,
20 traveling amusement show or amusement device;

21 B. A statement of the proposed territory within the limits of the State and the names
22 of the cities and towns in which the traveling circus, traveling amusement show or
23 amusement device will operate or exhibit; and

24 C. A certificate of public liability insurance issued by an authorized insurer or
25 approved surplus lines insurer pursuant to Title 24-A or any risk retention group
26 registered in any state pursuant to 15 United States Code, Chapter 65 or through a
27 purchasing group registered in any state pursuant to 15 United States Code, Chapter
28 65.

29 **2. Safety; inspection.** A license under this section is issued on the condition that if
30 the traveling circus, traveling amusement show or amusement device is operated in a
31 manner that is dangerous to the safety of the public, the Commissioner of Public Safety
32 shall suspend the license until the danger is remedied. Breach of any condition in the
33 license is a cause for immediate suspension or revocation of the license by the
34 Commissioner of Public Safety.

35 **3. Fee.** The fee for a license issued pursuant to this section is as follows.

36 A. For carnivals, thrill shows, ice shows, rodeos or similar types of performances
37 that are held indoors or outdoors and have amusement devices, the fee is \$50.

1 B. For carnivals, thrill shows, ice shows, rodeos or similar types of performances
2 that are held indoors or outdoors and do not have amusement devices, the fee is \$300.

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

5 D. For circuses held indoors in an auditorium, arena, civic center or similar type of
6 building, the fee is \$300.

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

9 License fees must be credited to a special revenue account to defray expenses in carrying
10 out this section. A balance of fees may not lapse but must be carried forward as a
11 continuing account to be expended for the same purpose in subsequent fiscal years.

12 **4. Amusement device license fee.** The amusement device inspection fee is \$50 per
13 amusement device, except that a traveling amusement show must pay an additional
14 amusement device license fee for each amusement device in excess of 5 amusement
15 devices.

16 **5. Violation.** A person who operates a traveling circus, traveling amusement show
17 or amusement device in violation of this section commits a civil violation for which a fine
18 of not more than \$1,000 may be assessed upon the owner of the traveling circus, traveling
19 amusement show or amusement device.

20 **§484. Rulemaking**

21 The Commissioner of Public Safety shall adopt rules to implement this chapter.
22 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
23 chapter 375, subchapter 2-A.

24 **Emergency clause.** In view of the emergency cited in the preamble, this
25 legislation takes effect when approved.

26 **SUMMARY**

27 Public Law 2013, chapter 595, Part U, section 4 repealed the Maine Revised Statutes,
28 Title 8, chapter 19, which governed the licensing of exhibitions, performances and
29 amusement shows, including the authority of the Department of Public Safety, Office of
30 the State Fire Marshal to inspect amusement shows and amusement devices. This bill
31 restores the repealed language.