

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1057

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H.P. 726

House of Representatives, March 24, 2015

### An Act To Increase the Safety of Amusement Rides

(EMERGENCY)

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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 NUTTING of Oakland.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: HILLIARD of Belgrade, LAJOIE of Lewiston, THERIAULT of China,  
TIMMONS of Cumberland, WARREN of Hallowell.



- 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 and specifies that a hayride is included within the  
32 definition of an "amusement device" over which the Department of Public Safety, Office  
33 of the State Fire Marshal has licensing and inspection authority.