

MAINE STATE LEGISLATURE

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Date: 3-9-16

(Filing No. S- 362)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 591, L.D. 1529, Bill, "An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides"

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, maintaining the safety of amusement rides operated in this State is crucial to public safety and the economic viability of events that use amusement rides; and

Whereas, annual inspections of amusement rides by the Office of the State Fire Marshal is key to ensuring their structural integrity; and

Whereas, the Legislature needs to enact properly structured inspection fees to ensure the Office of the State Fire Marshal can continue to conduct amusement ride inspections in a timely and cost-efficient manner; and

Whereas, amusement rides will begin operating in the summer, which is prior to 90 days after adjournment of the Second Regular Session of the 127th Legislature; and

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

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 8 MRSA §471, sub-§1, as enacted by PL 2015, c. 148, §1, is amended to read:

1. Amusement ride. "Amusement ride" means a device or combination of devices or elements that carry, convey or direct a person over or through a fixed or restricted

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1 course or within a defined area for the primary purpose of amusement or entertainment.
2 "Amusement ride" does not include ~~nonmechanized playground equipment or a coin-~~
3 ~~operated ride that is manually, mechanically or electrically operated, is customarily~~
4 ~~placed in a public location and does not normally require the supervision or services of an~~
5 ~~operator.;~~

- 6 A. An inflatable bounce house or similar inflatable structure; or
- 7 B. Nonmechanized playground equipment or a coin-operated ride that is manually,
- 8 mechanically or electrically operated, is customarily placed in a public location and
- 9 does not normally require the supervision or services of an operator.

10 **Sec. 2. 8 MRSA §472, sub-§6**, as enacted by PL 2015, c. 148, §1, is amended to
11 read:

12 **6. Application and inspection required.** A person may not operate an amusement
13 ride prior to filing an application with the Office of the State Fire Marshal and before the
14 amusement ride passes inspection as required in this section. ~~An application must be~~
15 ~~accompanied by payment of an application fee in an amount set by rule adopted by the~~
16 ~~commissioner not to exceed \$100 per amusement ride.~~ An application must include the
17 following:

- 18 A. The name of the person or corporation operating the amusement ride;
- 19 B. A statement of proposed territory within the limits of the State, including the
- 20 names of the cities and towns, in which the amusement ride is to operate; and
- 21 C. A certificate of public liability insurance from an insurer approved by the
- 22 commissioner in accordance with subsection 2.

23 **Sec. 3. 8 MRSA §473**, as enacted by PL 2015, c. 148, §1, is amended to read:

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

25 The amusement ride inspection fee is ~~\$75~~ \$100 per inspector per hour with a
26 minimum charge of \$75 amusement ride identified in an inspection application submitted
27 to the Office of the State Fire Marshal pursuant to section 472, subsection 6. The
28 applicant must pay the \$100 inspection fee for each amusement ride identified in the
29 application, even if an amusement ride identified in the application is not available for
30 inspection at the time the Office of the State Fire Marshal conducts its inspection. The
31 applicant must pay an additional \$100 per amusement ride each time an amusement ride
32 inspector must return to inspect a ride that was identified in the application but was not
33 available for inspection during the prior inspection.

34 **Sec. 4. 8 MRSA §475, sub-§§3 and 4**, as enacted by PL 2015, c. 148, §1, are
35 amended to read:

36 **3. Inspection fee.** An amusement device may be inspected as determined necessary
37 to protect the public safety by the commissioner. The amusement device inspection fee is
38 ~~\$75~~ \$100 per inspector per hour with a minimum charge of \$75 amusement device. If an
39 amusement device is not available for inspection by the Office of the State Fire Marshal
40 at the time agreed upon by the amusement ride inspector and the owner or operator of the
41 device, the owner or operator of the amusement device must still pay the \$100 inspection

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fee for the amusement device and an additional \$100 per amusement device each time an amusement ride inspector must return to inspect a device that was not available for inspection during the prior inspection.

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

A. An amusement ride;

B. An inflatable bounce house or similar inflatable structure;

C. A vehicle or device the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30-A, section 3001; or

D. A coin-operated amusement device on a nonmoving base that is designed to accommodate one child.

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

SUMMARY

This amendment replaces the bill, which is a concept draft, adds an emergency preamble and emergency clause and makes the following changes to the law regarding the inspection of amusement rides and amusement devices.

1. It removes the \$100 application fee for the inspection of amusement rides.

2. It changes the inspection fee for amusement rides and amusement devices from \$75 per hour per ride or device to a \$100 flat fee per amusement ride or amusement device.

3. It provides that if an amusement ride or amusement device is not available for inspection at the time the Office of the State Fire Marshal conducts its inspections, the owner or operator must still pay the \$100 inspection fee and an additional \$100 per amusement ride or amusement device each time an inspector must return to inspect a ride or device that was not available for inspection during the prior inspection.

4. It exempts a bounce house or other similar inflatable structures from the inspection requirement imposed on amusement rides and amusement devices.

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127th MAINE LEGISLATURE

LD 1529

LR 2315(02)

An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides

Fiscal Note for Bill as Amended by Committee Amendment "A" S-382
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Current biennium revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

This bill changes the amusement ride and device inspection fee from an hourly rate of \$75 to a fee of \$100 per ride or device. In fiscal year 2014 the Office of State Fire Marshal (SFM) expended \$88,725 toward the inspection and administration of amusement rides and collected \$32,025 in revenue. In fiscal year 2015 the SFM expended \$80,475 and collected \$52,326 in revenue. The SFM has indicated the proposed fee structure will reduce revenues below previous years. No estimate has been made at this time.