

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 682

S. P. 258

In Senate, February 12, 1953.

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Weeks of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Motor Vehicle Racing.

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

R. S., c. 88, § 53-D, repealed and replaced. Section 53-D of chapter 88 of the revised statutes, as enacted by chapter 322 of the public laws of 1951, is hereby repealed and the following sections enacted in place thereof:

‘Sec. 53-D. Motor vehicle racing controlled. The sport of motor vehicle racing, both indoor and outdoor, whether commercial or otherwise, is hereby declared to be dangerous to human life and to property, and subject to stringent control in order to furnish reasonable safety to participants, spectators and the general public. Every track, field, stadium or arena in which motor vehicle racing is held shall have safe and convenient entrances and exits, and shall be properly equipped with fences, barriers and walls to protect spectators. All grandstands, bleachers and other structures shall be soundly constructed for their respective purposes, adequately lighted, and equipped with such fire-fighting equipment and safety devices as are reasonably necessary. Toilet facilities shall be provided.

Sec. 53-E. Regulations authorized. The insurance commissioner is hereby authorized and directed to make, amend or rescind, and enforce reasonable rules and regulations for the control of motor vehicle racing, and such rules and regulations, when approved by the governor and council,

with or without public hearing, as the governor and council may determine, and filed with the secretary of state, shall have the force of law, insofar as they are not inconsistent with the provisions of this chapter. Such rules and regulations may require approval by the commissioner of all proposed plans for constructing or remodelling buildings, grading grounds, erection of fences and barriers, size and location of grandstands and bleachers, and may deal specifically with the field, stadium, track, arena, and all buildings and structures of whatsoever nature which may in any way become a hazard to any person present. Provided, however, that the commissioner may waive the requirements of any such rules or regulations to cover any special circumstances, conditions or localities.

Sec. 53-F. Penal provision. No person shall locate, erect, construct or maintain any field, track, stadium or arena for motor vehicle racing, except as provided for in this chapter and prescribed in the rules and regulations hereinbefore authorized, unless waived by the commissioner as hereinbefore provided. Any violation of the provisions of this chapter or of the rules and regulations lawfully promulgated hereunder shall be punished by a fine of not less than \$20, nor more than \$200, for each offense.

Sec. 53-G. License required. No field, track, stadium or arena shall be used for motor vehicle racing unless such field, track, stadium or arena shall have been inspected, approved and licensed by the insurance commissioner. The operator of the field, track, stadium or arena, before receiving a license, shall furnish a bond, or other security, in an amount to be determined by the commissioner, to protect the public from loss by reason of injury due to culpable operation of the premises for motor vehicle racing. Application for a license shall be in such form as the commissioner may prescribe, and the commissioner may require the applicant to furnish all pertinent information. The application shall be accompanied by a fee of \$25 to cover the cost of inspection and filing. No application shall be rejected unless the commissioner shall first afford the applicant an opportunity to appear before him and be heard. At such hearing, findings of fact by the commissioner shall be final, but any person aggrieved by the commissioner's rulings on questions of law may appeal to a justice of the superior court or the supreme judicial court by presenting to him a petition, setting forth the reasons for appeal, in term time or vacation, and such justice shall fix a time and place for hearing, and cause notice to be given the commissioner as in equity; and after such hearing, the justice may affirm, modify or reverse the decision of the commissioner; provided, however, that the orders and decisions of the commissioner shall stand until final judgment be rendered on the appeal, and failure so to abide by the decision

of the commissioner shall bar any appeal. Any person conducting or promoting motor vehicle racing in an unlicensed field, track, stadium or arena, and any person participating in a motor vehicle race in an unlicensed field, track, stadium or arena, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.'