

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
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ONE HUNDRED AND EIGHTH LEGISLATURE  
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6. If the superintendent finds, in view of the character of investments held by domestic insurers, it would be prudent for such insurers to establish a special reserve for possible losses or fluctuations in the value of its investments, including realty holdings acquired by mortgage loan default, he may permit or require such insurer to establish such reserve, reasonable in amount, and may require that such reserve be maintained and reported in any statement or report of financial condition of the insurer.

Sec. 2. 24-A MRSA § 982, sub-§ 3, as last amended by PL 1973, c. 585, § 12, is further amended to read:

3. The stock of a subsidiary of an insurer shall be valued on the basis of the greater of the value of only such of the assets of such subsidiary as would constitute lawful investments for the insurer if acquired or held directly by the insurer or such other value determined pursuant to standards and cumulative limitations contained in a regulation promulgated by the superintendent or if the superintendent so permits or requires, he may permit or require any class or classes of insurers domiciled or authorized to do business in this State to value their investments or any class or classes thereof in any subsidiary, as of any date heretofore or hereafter in accordance with any applicable valuation or method approved by the National Association of Insurance Commissioners and adopted in a regulation promulgated by the superintendent.

Effective October 24, 1977

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## CHAPTER 433

### AN ACT Relating to Regulation of Traveling Shows.

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

Sec. 1. 8 MRSA c. 15, as amended, is repealed.

Sec. 2. 8 MRSA § 502, as last amended by PL 1971, c. 622, § 141-B, is repealed and the following enacted in its place:

§ 502. Fees, prosecutions; traveling shows

The municipal officers of towns may grant licenses for any of the exhibitions or performances described in section 501, on receiving for their town a sum which they deem proper, 24 hours or more being allowed for the exhibitions or performance as they may determine. They shall prosecute, by complaint for the use of their town, all violations of section 501.

No traveling circus, traveling amusement show or mechanical ride shall operate or exhibit any parade, show or entertainment in this State without first paying a license fee for each calendar year. Application for the license shall be made to the Commissioner of Public Safety and shall contain the

name of the person or corporation using or operating the traveling circus, traveling amusement show or mechanical ride, and a statement of proposed territory within the limits of the State, and names of the cities and towns in which the traveling circus, traveling amusement show or mechanical ride is to operate or exhibit. No traveling circus or traveling amusement show or mechanical ride shall exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, in an amount to be determined by him, a certificate of public liability insurance. Upon receipt of the application, accompanied by a certificate of public liability insurance and upon payment of the required fee, a license shall be issued. For amusement shows, carnivals, thrill shows, ice shows, rodeos or similar types of performances which are held indoors or outdoors the fee shall be \$250. For circuses which are held outdoors or under tents or similar temporary cover or enclosure the fee shall be \$500. For circuses held indoors in an auditorium, arena, civic center or similar type building the fee shall be \$250. For circuses produced in their entirety by a nonprofit, charitable organization a license is required but no fee shall be charged. The mechanical ride license fee shall be \$25 per mechanical ride. A traveling amusement show, having mechanical rides and having secured a traveling amusement show license, shall pay an additional mechanical ride license fee for each mechanical ride over 8 rides. "Mechanical ride" means a power-operated device by which a person is conveyed, where control by the rider over the speed or direction of travel is incomplete. It does not include 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, section 2151.

License fees shall be credited to the State Fire Marshal's Office to defray expenses of that office. Any balance of fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

The license shall be further conditioned that a traveling circus, traveling amusement show or mechanical ride being operated in a manner which is dangerous to the safety of the public be stopped until the condition is remedied. Breach of any condition in the license shall be a cause for immediate suspension or revocation of the license, at the discretion of the commissioner.

The Commissioner of Public Safety shall make, amend or rescind, after public hearing, notice of which has been duly advertised in the state paper, reasonable rules and regulations for the operation of traveling circuses, traveling amusement shows or mechanical rides.

The exhibiting of any parade, show or entertainment of any traveling circus, traveling amusement show or mechanical ride contrary to this section shall be deemed a misdemeanor, and the person, persons, firm or corporation owning or controlling the traveling circus, traveling amusement show or mechanical ride, or the manager or officer in charge thereof within the State, shall be punished by a fine of not more than \$1,000.

The District Court and Superior Court in the counties where traveling circuses, traveling amusement shows or mechanical rides exhibit or parade shall have jurisdiction over the offense.