

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 328

H.P. 1179 - L.D. 1569

AN ACT to Amend the Law Governing
Traveling Shows.

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

8 MRSA §502, as repealed and replaced by PL 1977, c. 433, §2, is amended to read:

§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~~ amusement device 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~~ amusement device, 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~~ amusement device is to operate or exhibit. No traveling circus or traveling amusement show or ~~mechanical ride~~ amusement device 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 amusement device license fee shall be \$25 per mechanical ride amusement device. A traveling amusement show, having mechanical rides amusement devices and having secured a traveling amusement show license, shall pay an additional mechanical ride amusement device license fee for each mechanical ride amusement device over 8 rides. "Mechanical ride" "Amusement device" 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, or any coin-operated kiddie amusement device on a nonmoving base which is designed to accommodate one child.

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 amusement device 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 amusement devices.

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

The District Court and Superior Court in the counties where traveling circuses, traveling amuse-

ment shows or ~~meehanieal~~ rides amusement devices exhibit or parade shall have jurisdiction over the offense.

Effective September 23, 1983.

CHAPTER 329

S.P. 357 - L.D. 1078

AN ACT Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife.

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

Sec. 1. 12 MRSA §7001, sub-§13-A is enacted to read:

13-A. Habitual violator. "Habitual violator" means any person whose record, as maintained by the department, shows that the person has been convicted of 3 or more of the prohibited acts contained in chapters 701 to 721 within the previous 5-year period, provided that, whenever more than one prohibited act is violated at the same time, multiple convictions shall be considered as one offense. For purposes of this subsection, records maintained by the department shall commence on January 1, 1984.

Sec. 2. 12 MRSA §7077, sub-§7 is enacted to read:

7. Notification. The commissioner shall send a written notice to any person whose license or permit has been revoked or suspended as the result of provisions contained in chapters 701 to 721

The notice shall explain the type of license or permit which has been revoked or suspended, the length and effective date of the suspension or revocation and any opportunity for a hearing.

Service of the notice shall be sufficient if sent by first class mail to the address given by the person named in the notice.

Sec. 3. 12 MRSA §7079 is enacted to read:

§7079. License revocation of habitual violator

1. Conviction of violation. If any habitual