

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding the Fee for Amusement Ride Inspections
and the Development of Options To Move the Responsibility
of the Inspections from the Office of the State Fire Marshal'**

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

'Sec. 1. 8 MRSA §502, 2nd ¶, as amended by PL 1995, c. 533, §1, is further amended to read:

A traveling circus, traveling amusement show or amusement device may not 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 must be made to the Commissioner of Public Safety and contain the name of the person or corporation using or operating the traveling circus, traveling amusement show or 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 amusement device is to operate or exhibit. A traveling circus or traveling amusement show or amusement device may not exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, in an amount to be determined by the commissioner, a certificate of public liability insurance issued by an authorized insurer or approved surplus lines insurer pursuant to Title 24-A or any risk retention group registered in any state pursuant to 15 United States Code, Chapter 65 or through a purchasing group registered in any state pursuant to 15 United States Code, Chapter 65. Upon receipt of the application, accompanied by a certificate of public liability insurance and upon payment of the required fee, a license is issued. For amusement shows, and for carnivals, thrill shows, ice shows, rodeos or similar types of performances that are held indoors or outdoors and have amusement devices, the fee is \$50. For carnivals, thrill shows, ice shows, rodeos or similar types of performances that are held indoors or outdoors and do not have amusement devices, the fee is \$300. For circuses that are held outdoors or under tents or similar temporary cover or enclosure the fee is \$500. For circuses held indoors in an auditorium, arena, civic center or similar type building the fee is \$300. For circuses produced in their entirety by a nonprofit, charitable organization a license is required but no fee is charged. The amusement device licenseinspection fee is ~~\$50~~\$75 per amusement device~~inspector~~ per hour with a minimum charge of \$75. ~~A traveling amusement show, having amusement devices and having secured a traveling amusement show license, must pay an additional amusement device license fee for each amusement device over 5 rides.~~ "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 operate is required. 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-A, section 3001 or any coin-operated kiddie amusement device on a nonmoving base that is designed to accommodate one child.

Sec. 2. Office of the State Fire Marshal to develop alternatives for oversight of amusement ride inspections to include private inspectors, the Department of Professional and Financial Regulation and other inspection alternatives. The Department of Public Safety, Office of the State Fire Marshal shall develop alternative options for oversight of amusement ride inspections to include transferring oversight or responsibility of inspections to private inspectors and to the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation and other inspection alternatives. The options, where applicable, must include the following:

1. A transition plan that includes a timeline and details how responsibility for amusement ride inspections will transition from the Office of the State Fire Marshal to an appropriate number of amusement ride inspectors who are not employed by the office and ensures that the office will have an appropriate level of certified staff to provide inspections for quality assurance, accident investigation and complaint investigation and to reopen closed rides;

2. A detailed inspection process;

3. Alternative certification requirement options for amusement ride inspectors in addition to national standards;

4. A means to ensure that a certified ride inspector cannot inspect a ride if the inspector owns the ride or if the inspector is an employee of the amusement show where the ride is located;

5. A detailed amusement ride inspector certification program that includes: certification qualifications and requirements, including a background check; grounds and process for certification denial, revocation and refusal to renew; a process for appeals; and details on certificate expiration and renewal;

6. A process to report injuries that follows statutory confidentiality requirements and clearly defines what types of injuries are reported, who receives the report and what is done with the report;

7. Insurance requirements that meet industry standards;

8. Clarification of amusement show insurance requirements and amusement ride insurance requirements;

9. The cost to the state and the regulated industry of a change in the oversight of amusement ride inspections;

10. A summary of steps necessary to move the inspection program to the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation; and

11. Information regarding any other inspection alternatives.

Sec. 3. Reporting date established. The Department of Public Safety, Office of the State Fire Marshal shall report on the options developed pursuant to section 2 and make recommendations that include the benefits and disadvantages of each option and provide draft legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013.

Sec. 4. Authority to report out legislation. Upon receiving the report of the Department of Public Safety, Office of the State Fire Marshal pursuant to section 3, the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters may report out legislation to the First Regular Session of the 126th Legislature regarding an alternative for amusement ride inspections.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Fire Marshal - Office of 0327

Initiative: Provides additional allocation as a result of increasing fees related to amusement rides.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$67,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$67,500

SUMMARY

This amendment replaces the bill and is the majority report of the committee. The amendment changes the fee for a license for an amusement show, carnival, thrill show, ice show, rodeo or similar type of performance that has amusement devices from \$300 to \$50. It also changes the cost of an amusement device inspection to a \$75 per hour per inspector inspection fee for each device with a minimum \$75 charge. The amendment also directs the Department of Public Safety, Office of the State Fire Marshal to develop alternative options and make recommendations to move the oversight or responsibility of amusement ride inspections from that office to private inspectors or to the Department of Professional and Financial Regulation and other inspection alternatives. The amendment requires the Office of the State Fire Marshal to include the cost to the State and the regulated industry of a change in the oversight and to report and make recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with draft legislation. It gives the committee authority to report out legislation for an alternative to the amusement ride inspection program.

FISCAL NOTE REQUIRED
(See attached)