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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1287, L.D. 1745, Bill, “An Act To Privatize the Inspection of Amusement Rides in Maine”

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

COMMITTEE AMENDMENT

1 not have amusement devices, the fee is \$300. For circuses that are held outdoors or under
2 tents or similar temporary cover or enclosure the fee is \$500. For circuses held indoors in
3 an auditorium, arena, civic center or similar type building the fee is \$300. For circuses
4 produced in their entirety by a nonprofit, charitable organization a license is required but
5 no fee is charged. The amusement device ~~license~~ inspection fee is ~~\$50~~ \$75 per
6 ~~amusement device inspector per hour with a minimum charge of \$75.~~ A traveling
7 ~~amusement show, having amusement devices and having secured a traveling amusement~~
8 ~~show license, must pay an additional amusement device license fee for each amusement~~
9 ~~device over 5 rides.~~ "Amusement device" means a device by which a person is carried or
10 conveyed, or is allowed to move on, around or over a fixed course within a defined area
11 intended to thrill, excite or amuse, including, but not limited to, bungee jumping and
12 water slides, regardless of whether a fee to operate is required. It does not include a
13 vehicle or device the operation of which is regulated as to safety by any other provision
14 of law, except a municipal ordinance under Title 30-A, section 3001 or any coin-operated
15 kiddie amusement device on a nonmoving base that is designed to accommodate one
16 child.

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

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

32 2. A detailed inspection process;

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

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

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

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

1 Professional and Financial Regulation and other inspection alternatives. The amendment
2 requires the Office of the State Fire Marshal to include the cost to the State and the
3 regulated industry of a change in the oversight and to report and make recommendations
4 to the joint standing committee of the Legislature having jurisdiction over criminal justice
5 and public safety matters by January 15, 2013, along with draft legislation. It gives the
6 committee authority to report out legislation for an alternative to the amusement ride
7 inspection program.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**