

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SIXTEEN

—  
S.P. 591 - L.D. 1529

**An Act Regarding the Application Fees and Inspection Fees Associated with  
the Provision of Amusement Rides**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** maintaining the safety of amusement rides operated in this State is crucial to public safety and the economic viability of events that use amusement rides; and

**Whereas,** annual inspections of amusement rides by the Office of the State Fire Marshal is key to ensuring their structural integrity; and

**Whereas,** the Legislature needs to enact properly structured inspection fees to ensure the Office of the State Fire Marshal can continue to conduct amusement ride inspections in a timely and cost-efficient manner; and

**Whereas,** amusement rides will begin operating in the summer, which is prior to 90 days after adjournment of the Second Regular Session of the 127th Legislature; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 8 MRSA §471, sub-§1,** as enacted by PL 2015, c. 148, §1, is amended to read:

**1. Amusement ride.** "Amusement ride" means a device or combination of devices or elements that carry, convey or direct a person over or through a fixed or restricted course or within a defined area for the primary purpose of amusement or entertainment. "Amusement ride" does not include ~~nonmechanized playground equipment or a coin-operated ride that is manually, mechanically or electrically operated, is customarily~~

placed in a public location and does not normally require the supervision or services of an operator.;

A. An inflatable bounce house or similar inflatable structure; or

B. Nonmechanized playground equipment or a coin-operated ride that is manually, mechanically or electrically operated, is customarily placed in a public location and does not normally require the supervision or services of an operator.

**Sec. 2. 8 MRSA §472, sub-§6**, as enacted by PL 2015, c. 148, §1, is amended to read:

**6. Application and inspection required.** A person may not operate an amusement ride prior to filing an application with the Office of the State Fire Marshal and before the amusement ride passes inspection as required in this section. ~~An application must be accompanied by payment of an application fee in an amount set by rule adopted by the commissioner not to exceed \$100 per amusement ride.~~ An application must include the following:

A. The name of the person or corporation operating the amusement ride;

B. A statement of proposed territory within the limits of the State, including the names of the cities and towns, in which the amusement ride is to operate; and

C. A certificate of public liability insurance from an insurer approved by the commissioner in accordance with subsection 2.

**Sec. 3. 8 MRSA §473**, as enacted by PL 2015, c. 148, §1, is amended to read:

#### **§473. Amusement ride inspection fee**

~~The amusement ride inspection fee is \$75 \$100 per inspector per hour with a minimum charge of \$75 amusement ride identified in an inspection application submitted to the Office of the State Fire Marshal pursuant to section 472, subsection 6. The applicant must pay the \$100 inspection fee for each amusement ride identified in the application, even if an amusement ride identified in the application is not available for inspection at the time the Office of the State Fire Marshal conducts its inspection. The applicant must pay an additional \$100 per amusement ride each time an amusement ride inspector must return to inspect a ride that was identified in the application but was not available for inspection during the prior inspection.~~

**Sec. 4. 8 MRSA §475, sub-§§3 and 4**, as enacted by PL 2015, c. 148, §1, are amended to read:

**3. Inspection fee.** An amusement device may be inspected as determined necessary to protect the public safety by the commissioner. The amusement device inspection fee is ~~\$75 \$100 per inspector per hour with a minimum charge of \$75 amusement device.~~ If an amusement device is not available for inspection by the Office of the State Fire Marshal at the time agreed upon by the amusement ride inspector and the owner or operator of the device, the owner or operator of the amusement device must still pay the \$100 inspection fee for the amusement device and an additional \$100 per amusement device each time an

amusement ride inspector must return to inspect a device that was not available for inspection during the prior inspection.

**4. Amusement device defined.** For purposes of this section, "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 use the device is charged. "Amusement device" does not include ~~an amusement ride, 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 amusement device on a nonmoving base that is designed to accommodate one child.~~

A. An amusement ride;

B. An inflatable bounce house or similar inflatable structure;

C. 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

D. A coin-operated amusement device on a nonmoving base that is designed to accommodate one child.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.