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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 591, L.D. 1529, Bill, “An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides”

Amend the bill by inserting after the title and before the enacting clause the following:

**'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,'

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

**'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

**COMMITTEE AMENDMENT**

1 course or within a defined area for the primary purpose of amusement or entertainment.  
2 "Amusement ride" does not include ~~nonmechanized playground equipment or a coin-~~  
3 ~~operated ride that is manually, mechanically or electrically operated, is customarily~~  
4 ~~placed in a public location and does not normally require the supervision or services of an~~  
5 ~~operator.;~~

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

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

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

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

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

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

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

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

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

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

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

36 **3. Inspection fee.** An amusement device may be inspected as determined necessary  
37 to protect the public safety by the commissioner. The amusement device inspection fee is  
38 ~~\$75~~ \$100 ~~per inspector per hour with a minimum charge of \$75~~ amusement device. If an  
39 amusement device is not available for inspection by the Office of the State Fire Marshal  
40 at the time agreed upon by the amusement ride inspector and the owner or operator of the  
41 device, the owner or operator of the amusement device must still pay the \$100 inspection

1 fee for the amusement device and an additional \$100 per amusement device each time an  
2 amusement ride inspector must return to inspect a device that was not available for  
3 inspection during the prior inspection.

4 **4. Amusement device defined.** For purposes of this section, "amusement device"  
5 means a device by which a person is carried or conveyed or is allowed to move on,  
6 around or over a fixed course within a defined area intended to thrill, excite or amuse,  
7 including, but not limited to, bungee jumping and water slides, regardless of whether a  
8 fee to use the device is charged. "Amusement device" does not include ~~an amusement~~  
9 ~~ride, vehicle or device the operation of which is regulated as to safety by any other~~  
10 ~~provision of law, except a municipal ordinance under Title 30-A, section 3001, or any~~  
11 ~~coin-operated amusement device on a nonmoving base that is designed to accommodate~~  
12 ~~one child.;~~

13 A. An amusement ride;

14 B. An inflatable bounce house or similar inflatable structure;

15 C. A vehicle or device the operation of which is regulated as to safety by any other  
16 provision of law, except a municipal ordinance under Title 30-A, section 3001; or

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

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

## 21 SUMMARY

22 This amendment replaces the bill, which is a concept draft, adds an emergency  
23 preamble and emergency clause and makes the following changes to the law regarding  
24 the inspection of amusement rides and amusement devices.

25 1. It removes the \$100 application fee for the inspection of amusement rides.

26 2. It changes the inspection fee for amusement rides and amusement devices from  
27 \$75 per hour per ride or device to a \$100 flat fee per amusement ride or amusement  
28 device.

29 3. It provides that if an amusement ride or amusement device is not available for  
30 inspection at the time the Office of the State Fire Marshal conducts its inspections, the  
31 owner or operator must still pay the \$100 inspection fee and an additional \$100 per  
32 amusement ride or amusement device each time an inspector must return to inspect a ride  
33 or device that was not available for inspection during the prior inspection.

34 4. It exempts a bounce house or other similar inflatable structures from the inspection  
35 requirement imposed on amusement rides and amusement devices.