

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 605

H. P. 485

House of Representatives, February 23, 1977

On motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Stubbs of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Amend the Law Regulating Mass Gatherings.

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

Sec. 1. 22 MRSA § 1601, as amended by PL 1975, c. 293, § 4, is repealed and the following enacted in its place:

§ 1601. Permit required

1. Hazard. It is recognized that a mass outdoor gathering creates a hazard to public health and safety. Accordingly, it is deemed to be appropriate and in the interest of the public welfare to regulate the conduct of such gatherings in order to protect the public health and safety.

2. Mass outdoor gatherings. For the purposes of this chapter, a mass outdoor gathering shall be deemed to mean any gathering of 2,000 or more people for a period of not less than 12 hours.

3. Permit required. No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct a mass outdoor gathering until a permit has been obtained from the Commissioner of Human Services.

Sec. 2. 22 MRSA § 1602, as enacted by PL 1975, c. 293, § 4, is repealed and the following enacted in its place:

§ 1602. Permit issuance

1. Written application. The Commissioner of Human Services shall issue a permit for a mass outdoor gathering upon receipt of a written application therefor unless, after the consideration of the factors listed in subsection

2, it appears to the commissioner within a reasonable certainty that the gathering will present a grave and imminent danger to the public health or to the public safety. An applicant who has been denied a permit shall be granted a prompt hearing for reconsideration of the denial if the applicant so requests in writing to the commissioner within 5 days after notice of the denial. This chapter and regulations pursuant hereof shall supersede any inconsistent municipal ordinances and regulations.

2. Commissioner's determination. In determining whether there exists a reasonable certainty that the gathering will present a grave and imminent danger to the public health or safety, the commissioner shall consider the nature of the gathering and the availability of:

- A. An adequate and satisfactory water supply and facility;
- B. Adequate refuse storage and disposal facilities;
- C. Sleeping areas and facilities;
- D. Wholesome and sanitary food service;
- E. Adequate medical supplies;
- F. Adequate fire protection;
- G. Adequate traffic control; and
- H. Any other matters as may affect the security of the public health or safety.

Sec. 3. 22 MRSA § 1603, as enacted by PL 1971, c. 341, is repealed.

Sec. 4. 22 MRSA § 1604, 1st sentence, as amended by PL 1975, c. 293, § 4, is amended to read:

The Department of Human Services may also require, prior to the issuance of a permit, that the applicant furnish to the department a bond of a surety company qualified to do business in this State in such an amount as the department shall determine, but in no event less than ~~\$5,000~~ \$25,000.

Sec. 5. 22 MRSA § 1605, 1st sentence, as enacted by PL 1971, c. 341, is amended to read:

The fee for such permit shall be ~~\$25~~ \$500 and must accompany the application therefor.

Sec. 6. 22 MRSA § 1607, 1st sentence, as enacted by PL 1971, c. 341, is amended to read:

This chapter does not apply to fairs, exhibitions and similar events held by agricultural societies and associations, Boy Scouts and Girl Scouts of America activities, athletic events, political rallies, religious activities, pomological societies or poultry associations as defined and regulated under Title 7, chapter 3, or military activities.

STATEMENT OF FACT

This bill changes the definition of a mass outdoor gathering from a gathering of 3,000 or more persons for a period of 24 hours to a gathering of 2,000 or more persons for a period of 12 hours and additionally excludes Girl Scout activities, athletic events, political rallies and religious activities from the requirements of this chapter. Section 2 specifically lists the factors the commissioner must consider in determining whether to issue a permit. The amount required for a permit fee is increased to \$500 and the minimum bonding limit is increased to \$25,000.