

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
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THE KNOWLTON AND MCLEARY COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
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- § C. Between 25,000 and 50,000, the grant may not exceed \$50,000;
- ¶ D. Between 50,000 and 100,000, the grant may not exceed \$100,000;
- § E. Over 100,000, the grant may not exceed \$150,000.

2. **Housing unit method.** The commission may multiply by 3.0 the number of housing units, as reported in the last decennial United States Census of Housing, within the total area embraced by the preliminary planning, consider the product as the population of the area, and make the grant, based on such population, in accordance with subsection 1.

Sec. 2. Retroactivity. Applicants who have applied for a grant under section 412 between May 9, 1970 and the effective date of this Act may petition the commission for recomputation of the population base upon which the grant is awarded and payment of additional grant moneys, if recomputation under section 1 of this Act would result in a larger grant.

Effective September 23, 1971

Chapter 341

AN ACT Relating to Mass Gatherings.

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

R. S., T. 22, c. 265, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 265 to read as follows:

CHAPTER 265

MASS GATHERINGS

§ 1601. Permit required

1. **Hazard.** It is recognized that a mass outdoor gathering attended by 3,000 or more persons which is to be continued with such attendance for 24 or more hours 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. **Sponsoring, promoting.** No person shall sponsor or promote a mass outdoor gathering with the intent to attract the continued attendance at such gathering of 3,000 or more persons for 24 or more hours until he has obtained a permit therefor from the Commissioner of Health and Welfare.

3. **Conducting.** No person shall conduct a mass outdoor gathering for 24 or more hours when he is aware that the gathering may be attended by 3,000 or more persons unless he has obtained a permit therefor from the Commissioner of Health and Welfare.

§ 1602. Permit issuance

The Commissioner of Health and Welfare shall grant a permit to sponsor, promote or conduct a mass outdoor gathering to be attended by 3,000 or more persons for 24 or more hours upon written application therefor unless it appears to him within a reasonable certainty that such 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 such denial if the applicant so requests in writing submitted to the commissioner within 5 days after notice of such denial. This chapter and regulations enacted pursuant hereof shall supersede any inconsistent municipal ordinances and regulations.

§ 1603. Permit conditions

Such permit shall be issued subject to compliance with such rules and regulations as said commissioner is hereby empowered to establish with respect to such gatherings. Such regulations shall provide without limitation for:

The furnishing of adequate and satisfactory water supply and facilities; adequate refuse storage and disposal facilities; adequate sleeping areas and facilities; wholesome food and sanitary food service; adequate medical facilities; adequate fire protection and such other matters as may be appropriate for security of health and safety. In its review of applications for permits for the holding or promoting of such a gathering, the department may require such plans, specifications and reports as it shall deem necessary for a proper review, and in its review of such application as well as in carrying out its other duties and functions in connection with such a gathering, the department may request, and shall receive, from all public officers, departments and agencies of the State and its political subdivisions such cooperation and assistance as may be necessary and proper.

§ 1604. Permit, bond

The Department of Health and Welfare 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. Cash or negotiable securities of equivalent value may be furnished in lieu of the bond. The bond shall guarantee cleanup by the applicant of the area used for the mass gathering, compliance by the applicant with any applicable state or local law or regulation, and payment by the applicant of all proper claims against the applicant for damage to real or personal property in the municipality for which the permit is issued and arising out of facts done or omitted to be done by the applicant, his agents or employees. Any person having such a claim may bring an action upon the bond in the Superior Court of the county in which the municipality is located within one year of the occurrence of the act complained of. In furnishing such a bond, the applicant shall be deemed to have appointed the surety company as agent for the service of process upon him or if cash or securities are supplied in lieu of a bond, the applicant shall in writing appoint an agent for the service of process, irrevocably, for the term within which action may be brought before any permit is issued.

§ 1605. Permit fee

The fee for such permit shall be \$25 and must accompany the application therefor. All moneys received under this chapter shall be used to help defray the costs of the administration thereof.

§ 1606. Penalty

Any person violating any provision of this chapter, or any rule and regulation issued pursuant thereto, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 11 months, or by both.

§ 1607. Application

This chapter does not apply to fairs, exhibitions and similar events held by agricultural societies and associations, Boy Scouts of America activities, pomological societies or poultry associations as defined and regulated under Title 7, chapter 3, or military activities. It shall not apply to persons, associations, corporations, trusts or partnerships licensed under Title 8, chapters 11, 13 and 19.

Effective September 23, 1971

Chapter 342

AN ACT to Improve Procedures in Post-conviction Cases.

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

Sec. 1. R. S., T. 14, § 5505, amended. The first sentence of section 5505 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

When the petitioner has counsel by appointment or retention and the justice has been advised that no amendment to the petition will be filed or one has been filed, he shall order the Attorney General to respond to the petition and any amendments thereto within 10 days of the date the order is received, by answer, motion or notice that the State does not contest the petition.

Sec. 2. R. S., T. 14, § 5508, amended. The first paragraph of section 5508 of Title 14 of the Revised Statutes is repealed and the following enacted in place thereof:

A final judgment entered under section 5505 may be reviewed by the Supreme Judicial Court sitting as a law court. An appeal by the petitioner may not proceed unless the law court issues a certificate of probable cause. The filing of the notice of appeal shall be deemed to constitute a request for such a certificate. The clerk of the Superior Court, upon receipt of a notice of appeal, shall forward to the law court the complete record of the proceedings in the Superior Court. The record so forwarded shall be returned to the Superior Court with the order of the court. Denial of the certificate consti-