

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
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**STATE OF MAINE**  
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**Sec. 2.** 32 MRSA § 2902, first sentence, as amended by PL 1971, c. 282, § 13, is further amended to read:

Every person not already registered, entering upon the practice of pharmacy, upon the payment of a fee of ~~\$35~~ \$50 to the secretary of said board, except as otherwise provided, shall be examined by said commissioners and shall present to them satisfactory evidence that he had been graduated from some regularly incorporated college of pharmacy and has been employed in a pharmacy for at least one year, and is competent for the practice of pharmacy.

**Sec. 3.** 32 MRSA § 2902, 6th sentence is amended to read:

The board may, in its discretion, grant certificates of registration to such persons as shall make payment of a fee of \$100 to the secretary of the board and shall furnish with their application satisfactory proof that they have been registered in some other state, provided such other state shall require a degree of competency equal to that required of applicants of this State.

**Sec. 4.** 32 MRSA § 2903, first sentence, as amended by PL 1967, c. 390, § 20, is further amended to read:

Every registered pharmacist and every registered assistant pharmacist who desires to continue to practice pharmacy in this State shall annually, after the expiration of the first year of his registration, on or before the last day of June, pay a renewal fee of ~~\$5~~ \$10 to the secretary of the board, in return for which a renewal registration shall be issued.

Effective October 24, 1977

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## CHAPTER 347

### AN ACT to Amend the Law Regulating Mass Gatherings.

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

Whereas, it is the intent of this Act to more narrowly define mass gatherings in order to provide necessary state regulation of gatherings formerly not subject to state supervision; and

Whereas, there are many gatherings not regulated under present law but which will be regulated under this Act, which are scheduled for this summer and which the State should regulate in order to assure the public health, safety and welfare; and

Whereas, in order to regulate these gatherings, this Act must take effect as soon as possible; 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. 5 MRSA § 2301, sub-§ 1, ¶ M is enacted to read:

M. Mass outdoor gatherings regulated pursuant to Title 22, chapter 265.

Sec. 2. 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. The Legislature finds that mass outdoor gatherings frequently create a hazard to the public health, safety and peace. 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 held outdoors with the intent to attract the continued attendance of 2,000 or more persons for 12 or more 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. 3. 22 MRSA § 1602, as amended 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.

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 facilities;
- B. Adequate refuse storage and disposal facilities;
- C. Sleeping areas and facilities;

- D. Wholesome and sanitary food service;
- E. Adequate medical supplies and care;
- F. Adequate fire protection;
- G. Adequate police protection;
- H. Adequate traffic control; and
- I. Any other matters as may affect the security of the public health or safety.

3. Plans; cooperation. In its review of applications for permits for the holding or promoting of a mass outdoor gathering, the department may require such plans, specifications and reports as it shall deem necessary for a proper review. In its review of such applications, 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.

4. Permit denied; appeal. An applicant who has been aggrieved by the department's decision to deny a permit under this chapter may file within 5 days of the notice of the denial, a complaint with the Administrative Court, as provided in Title 5, chapter 305. Such an applicant shall be granted a prompt hearing before the Administrative Court for reconsideration of the denial.

5. Municipal ordinances and regulations. The requirements of this chapter and of the regulations adopted under this chapter shall be considered minimum requirements. Nothing shall preclude a municipality from enforcing any ordinance or regulation which is more stringent than the requirements of this chapter or of the regulations adopted under this chapter.

Sec. 4. 22 MRSA § 1603, as enacted by PL 1971, c. 341, is repealed.

Sec. 5. 22 MRSA § 1604, 1st sentence, as amended by PL 1975, c. 293, § 4, is further 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 more than \$5,000, to ensure the public peace, safety and compensation of damage to property, public or private.

Sec. 6. 22 MRSA § 1605, 1st sentence, as enacted by PL 1971, c. 341, is amended to read:

The fee for such permit shall be ~~\$25~~ \$100 and must accompany the application therefor.

Sec. 7. 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 of America activities~~ pomological societies or poultry associations as defined and regulated under Title 7, chapter 3, or military activities.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 21, 1977

## CHAPTER 348

### AN ACT Pertaining to License Fees for the Regulation of Certain Amusements.

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

**Sec. 1.** 8 MRSA § 2, 1st sentence is amended to read:

Municipal officers ~~of towns~~ may license suitable persons to keep bowling alleys, shooting galleries, pool, bagatelle and billiard rooms therein, in any place where it will not disturb the peace and quiet of a family, for which the person licensed shall pay ~~\$10~~ \$20 to such town.

**Sec. 2.** 8 MRSA § 443, 1st sentence is amended to read:

The license required shall be obtained from said clerk upon the payment of an annual fee of ~~\$5~~ \$10 for each premise on which such machine or machines shall be located and shall expire on June 30th of each year.

Effective October 24, 1977

## CHAPTER 349

### AN ACT to Permit Trial Work Periods under the Workmen's Compensation Statutes.

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

39 MRSA § 100-A is enacted to read:

§ 100-A. Orders or agreements for trial work periods