

# MAINE STATE LEGISLATURE

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September 20, 1945

To Guy R. Whitten, Deputy Commissioner  
Insurance

I have your letter of August 29th which I have been giving some study. You request an interpretation of Section 45 of Chapter 85, R. S. 1944, which reads as follows:

"Every building intended temporarily or permanently for public use, and every schoolhouse of more than 1 story in height, and every school room therein, shall have all doors, intended for egress, open outwards."

It is my opinion that it was the intent of the legislature that this should apply only to buildings used for gatherings of the public in such numbers as would create a hazard to life and limb, in case of fire, to the members of the public who use the same, if the doors opened inwards and the crowd gathered to the doors and blockaded them.

To constitute "public use," all persons have equal right to use said building at any time, and undoubtedly the legislature meant "public purposes", as "public use" refers mostly to quasi-municipal corporations such as power and telephone companies and water districts. A private office used by its owner, such as a lawyer to receive clients or a doctor to receive patients, would not be deemed a public use, because it is a private office and the proprietor or owner can exclude the public at any time he sees fit and has full control of same.

This statute was intended to apply to school houses, moving picture houses, and buildings used for public purposes, where crowds are accustomed to gather and would, in case of fire, all be placed in a hazardous position. It is my opinion that it was the intent of the legislature to remove this hazard by doors opening outwards in halls or buildings which are used exclusively to accommodate public gatherings.

Ralph W. Farris  
Attorney General

RWF:c