

# MAINE STATE LEGISLATURE

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September 29, 1955

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To Joseph A. Flynn, Director of Fire Prevention  
Re: Licensing of Dance Halls

Chapter 100, Section 58, of the Revised Statutes of 1954 requires that a public dance hall be licensed by the Insurance Commissioner. The Commissioner is authorized also to revoke any such license.

Before granting a license, the Insurance Commissioner is required to inspect the building, but not the adjacent premises. The scope of the inspection includes entrances, exits, fire escapes and structural safety.

Municipalities with building codes equivalent to State requirements are exempted from the provisions of this section. This indicates a legislative intent that a dance hall proprietor is not to be penalized for adjacent disorderly premises owned by others, nor for disorderly conditions on premises owned by himself outside the dance hall, unless they constitute a barrier to safe and convenient entrance and exit.

The statute also states that the Commissioner may issue the license. While may is sometimes construed as shall, I believe that in this instance an applicant with a bad police record might properly be denied a license, even though the structural qualities of the building were entirely sufficient. Once the license is granted, the Insurance Commissioner is granted additional authority in the matter of revoking the license. The section provides:

" . . . the insurance commissioner may revoke such license when evidence is presented that such building licensed for dancing is being conducted in a manner not consistent with the public safety."

In this connection Major Donald Herron, Deputy Chief of the State Police, has complained that certain named dance halls are permitting patrons to enter and leave the hall while under the influence of intoxicating liquor, and while operating automobiles.

In my opinion, such facts would be a proper cause for the revocation of a dance hall license. By statute, drinking in a public place, being intoxicated in a public place, and serving liquor to an intoxicated person are criminal offenses. Yet a license is a valuable property right and a licensee would have a right to be heard on the question of revocation.

I believe the Insurance Commissioner should investigate the complaint of Major Herron so far as his facilities and man-power permit; but I also believe that if the State Police have evidence that such conditions exist, they should appear before the Commissioner and give such evidence under oath, as required by our statute - R.S. c. 60, §348, et seq. A general statement such as that rendered by Major Herron does not provide the Insurance Commissioner with the evidence necessary to justify revocation of the license.

Paul L. Woodworth  
Assistant Attorney General