

# MAINE STATE LEGISLATURE

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October 25, 1967

Harold Trahey, Acting  
Commissioner  
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Interpretation of 8 M.R.S.A. § 161 "Licenses and fees" pertaining to dance halls and 8 M.R.S.A. § 162 entitled "violations".

FACTS:

This is in reply to the memorandum from the Division of Fire Prevention, dated October 11, 1967, in which three questions are posed regarding either or both 8 M.R.S.A. § 161 which is entitled "Licenses and fees" and 8 M.R.S.A. § 162 entitled "Violations".

QUESTION NUMBER 1:

What constitutes a public dance?

QUESTION NUMBER 2:

What constitutes a public building?

QUESTION NUMBER 3:

Is a private club admitting club members, only, required to obtain a license under the attached law?

OPINION:

In answer to Question Number 1, a "public dance" as used in 8 M.R.S.A. § 161 is a dance which is open to the public generally, even though a fee is charged (or stated another way: open to the public at large). State v. Browning, 192 Minn. 25, 255 N.W. 254; 73 C.J.S., Public, p. 276.

For the reason that the term "public building" is not used in either of the statutes in question, but rather, that such statutes generally refer to the terms "any pavilion, hall or other buildings" and the term "any building", Question Number 2 is moot and need not be answered.

In light of the answer to the first question, a private club, as described in Question Number 3, that permits dancing by members and their guests only, would not be subject to the provisions of 8 M.R.S.A. § 161 or 8 M.R.S.A. § 162.

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HNS/eh