

# MAINE STATE LEGISLATURE

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Definition of Private Club.

FACTS:

This is in reply to the memorandum from the Division of Fire Prevention, dated November 1, 1967, in which the following question is posed. It would appear that this question relates to 8 M.R.S.A. § 161, which is entitled "Licenses and fees", although such is not stated in the memorandum itself.

QUESTION:

What is a private club?

OPINION:

Corpus Juris Secundum in part defines clubs as follows:

"While the word 'club' has no very definite meaning, it may be defined generally as a voluntary association of persons for purposes of a social, literary, or political nature, or the like. A club is a definite association organized for an indefinite existence; not an ephemeral meeting for a particular occasion, to be lost in a crowd at its dissolution.

"There are various kinds of clubs. An unincorporated members' club is a society of persons each of whom contributes to the funds out of which the expenses of conducting the society are paid. An unincorporated proprietary club is one whose property and funds belong to a proprietor who usually conducts it with a view to profit; the members, in consideration of the payment by them to the proprietor of entrance fees and subscriptions, are entitled to make such use of the premises and property, and to exercise such other rights and privileges, as the contract between them and the proprietor justifies. \* \* \* ."

(14 C.J.S., Clubs, § 1)

Corpus Juris Secundum goes on to state in part that "a proprietary club may in its nature be conducted by either an individual, a partnership, a voluntary association, or a corporation." (14 C.J.S., Clubs, § 2)

It would consequently appear from the aforementioned citations that a club, or indeed a private club, is a voluntary organization, either incorporated or unincorporated, formed for the purposes of a social, literary, or political nature, or the like; which may be of a proprietary character and conducted with a view to profit. Accordingly, it would appear that "a private club" would not come within the purview of the aforementioned 8 M.R.S.A. § 161.

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HNS/eh