November 13, 1967

Harold E. Trahey, Acting Insurance Commissioner
Harry N. Starbranch, Assistant

Insurance

Attorney General

FACTS:

This is in reply to the memorandum from the Division of Fire Prevention, dated November 3, 1967, in which essentially the following question is posed regarding 8 M.R.S.A. § 161, which is entitled "Licenses and fees":

QUESTION:

Does the last paragraph of 8 M.R.S.A. § 161 apply to all buildings used for dancing purposes or only buildings used for public dancing purposes?

OPINION:

The aforementioned 8 M.R.S.A. § 161 states as follows:

> "No public dances at which minors are admitted shall be held in any pavilion, hall or other buildings unless there shall be on hand at all times, when such dances are being held, an officer of the law, and unless there shall be inlsuch pavilion, hall or other building separate toilets for men and women. This paragraph shall not apply to dances conducted by and for students in either public, private or state-owned school buildings or municipally-owned buildings.
>
> "Any building or parts thereof used for public dancing purposes, either habitually or occasionally, shall have posted at all times of dancing a proper license obtained from the Insurance Commissioner.
>
> "Application for said license shall be made by the owner of the building to the Insurance Commissioner and upon receipt of such application the Insurance Commissioner shall inspect or cause to be inspected such building as to

its entrances, exits, fire escapes and structural and fire safety. If as a result of such inspection he is convinced that the specifications provided are fully complied with, and that such building or parts thereof are in accordance with the law and regulations, he may issue a license on said building for dancing purposes, which license shall name the owner, and name of the hall, location in the building of the dance area and the capacity for dancing.

"Such license shall cover all dancing in said building or parts thereof as stated on the license. All dancing licenses issued shall expire December 31st of each year unless sooner revoked.

"A fee of $10 shall be fixed by the Insurance Commissioner and said fee shall be credited to the Division of Fire Prevention to help defray expenses of inspection. No fee shall be required for the inspection of public, private or state-owned school buildings or municipally-owned buildings.

"The Insurance Commissioner shall promulgate the necessary rules and regulations relative to the fire protection, fire prevention and structural accident prevention governing such buildings.

"No building or any part thereof used for dancing purposes shall have less than 2 means of egress, as remote as possible from each other, to the outside of the building from the dancing area." (Emphasis supplied)

It would appear to be clear that the first paragraph of the aforementioned Section 161 attempts to regulate public dances only. Paragraph two, which relates to licensing, also, affects only those buildings or parts thereof that are used for public dancing purposes. We then find it evident that paragraphs three and four refer to the same license described in paragraph two. And, paragraph five refers to the license fee to be charged in conjunction with the aforementioned licensing. Paragraph six then refers to rules and regulations to be promulgated by the Insurance Commissioner covering buildings that were previously mentioned.

We then come to paragraph seven, the last paragraph of Section 161, and the question at hand.

Under the doctrine of Ejusdem Generis " * * * general words do not explain or amplify particular terms preceding them, but are themselves restricted and explained by the particular terms; general terms which follow specific ones are limited or restricted to those specified, and will not include any of the classes superior to that to which the particular words belong. The general words are deemed to have been used, not to the wide extent which they might bear if standing alone, but as related to words of more definite and particular meaning with which they are associated * * * ." (83 C.J.S., Statutes, § 332,b.)

Following this established doctrine, then, it is felt that the term "dancing" used in the last paragraph of Section 161 does not mean all dancing but is limited to public dancing. Accordingly, the last paragraph of section 161 should be construed to mean that no building or any part thereof used for <u>public</u> dancing purposes shall have less than two means of egress, etc. (Emphasis supplied.)

Harry N. Starbranch
Assistant Attorney General

HNS/eh