

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1479

H. P. 1090 House of Representatives, March 12, 1971
Referred to Committee on Health and Institutional Services. Sent up for
concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Brown of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Mass Gatherings.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 22, c. 265, additional. Title 22 of the Revised Statutes is amended
by adding a new chapter 265 to read as follows:

CHAPTER 265

MASS GATHERINGS

§ 1601. Permit required

No person shall promote by advertising or otherwise or hold a mass outdoor gathering which is likely to attract 3,000 people or more and continue for 24 hours or more unless he has first applied for and obtained a permit therefor from the Department of Health and Welfare. If, in the opinion of said department said gathering may be held without creating hazard to the public health and safety, such permit shall be issued subject to compliance with such reasonable rules and regulations as said department is hereby empowered to establish with respect to such gatherings. Such regulations shall provide for: The furnishing of adequate and satisfactory water supply and sewage facilities; adequate drainage; adequate toilet and lavatory facilities; adequate refuse and storage and disposal facilities; adequate sleeping areas and facilities; wholesome food and sanitary food service; adequate medical facilities; insect and noxious weed control; adequate fire protection and such other matters as may be appropriate for security of health and safety. In its review of applications for permits for the holding or promoting of such a gathering, the department may require such plans, specifications and reports as it shall deem necessary for a proper review, and in its review of such

application as well as in carrying out its other duties and functions in connection with such a gathering, the department may request, and shall receive, from all public officers, departments and agencies of the State and its political subdivisions such cooperation and assistance as may be necessary and proper.

The Department of Health and Welfare may also require, prior to the issuance of a permit, that the applicant furnish to the department a bond of a surety company qualified to do business in this State in such an amount as the department shall determine, but in no event less than \$5,000. Cash or negotiable securities of equivalent value may be furnished in lieu of the bond. The bond shall guarantee compliance by the applicant with any applicable state or local law or regulation and payment by the applicant of all proper claims against the applicant for damage to real or personal property in the municipality for which the permit is issued and arising out of acts done or omitted to be done by the applicant, his agents or employees. Any person having such a claim may bring an action upon the bond in the Superior Court of the county in which the municipality is located within one year of the occurrence of the act complained of. In furnishing such a bond, the applicant shall be deemed to have appointed the surety company as agent for the service of process upon him or if cash or securities are supplied in lieu of a bond, the applicant shall in writing appoint an agent for the service of process, irrevocably, for the term within which action may be brought before any permit is issued.

The fee for such permit shall be \$25 and must accompany the application therefor. All moneys received under this chapter shall be used to help defray the costs of the administration thereof.

Any person violating any provision of this chapter, or any rule and regulation issued pursuant thereto, shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for not more than 30 days, or by both.

§ 1602. Application

This chapter does not apply to fairs, exhibitions and similar events held by agricultural societies and associations, pomological societies or poultry associations as defined and regulated under Title 7, chapter 3. It shall not apply to persons, associations, corporations, trusts or partnerships licensed under Title 8, chapters 11, 13 and 19.

STATEMENT OF FACT

The above provision will provide for licensure of mass outdoor gatherings and will require the Department of Health and Welfare to promulgate regulations respecting aspects of the operation of mass outdoor gatherings. Provision is made requiring a surety bond be filed. An exemption is provided for agricultural fairs, and associations together with racing meets, circuses, carnivals and other public shows conducted under existing regulatory provisions of the Maine Statutes.