

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1806

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H. P. 1603

House of Representatives, May 26, 1977

Reported by Mr. Goodwin from the Committee on Health and Institutional Services and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Amend the Law Regulating Mass Gatherings.

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

Sec. 1. 5 MRSA § 2301, sub-§ 1, ¶ M is enacted to read:

M. Mass outdoor gatherings regulated pursuant to Title 22, chapter 265.

Sec. 2. 22 MRSA § 1601, as amended by PL 1975, c. 293, § 4, is repealed and the following enacted in its place:

§ 1601. Permit required

1. Hazard. It is recognized that a mass outdoor gathering creates a potential hazard to the public health and safety. Accordingly, it is deemed to be appropriate and in the interest of the public welfare to regulate the conduct of such gatherings in order to protect the public health and safety.

2. Mass outdoor gatherings. For the purposes of this chapter, a mass outdoor gathering shall be deemed to mean any gathering held outdoors which is:

A. For a period of 12 hours or longer; and

B. Attended by 2,000 or more persons.

3. Permit required. No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct a mass outdoor gathering until a permit has been obtained from the Commissioner of Human Services.

Sec. 3. 22 MRSA § 1602, as amended by PL 1975, c. 293, § 4, is repealed and the following enacted in its place:

**§ 1602. Permit issuance**

1. **Written application.** The Commissioner of Human Services shall issue a permit for a mass outdoor gathering upon receipt of a written application therefor unless, after the consideration of the factors listed in subsection 2, it appears to the commissioner within a reasonable certainty that the gathering will present a grave and imminent danger to the public health or to the public safety.

2. **Commissioner's determination.** In determining whether there exists a reasonable certainty that the gathering will present a grave and imminent danger to the public health or safety, the commissioner shall consider the nature of the gathering and the availability of:

- A. An adequate and satisfactory water supply and facilities;
- B. Adequate refuse storage and disposal facilities;
- C. Sleeping areas and facilities;
- D. Wholesome and sanitary food service;
- E. Adequate medical supplies and care;
- F. Adequate fire protection;
- G. Adequate police protection;
- H. Adequate traffic control; and
- I. Any other matters as may affect the security of the public health or safety.

3. **Plans; cooperation.** In its review of applications for permits for the holding or promoting of a mass outdoor gathering, the department may require such plans, specifications and reports as it shall deem necessary for a proper review. In its review of such applications, 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.

4. **Permit denied; appeal.** An applicant who has been aggrieved by the department's decision to deny a permit under this chapter may file within 5 days of the notice of the denial, a complaint with the Administrative Court, as provided in Title 5, chapter 305. Such an applicant shall be granted a prompt hearing before the Administrative Court for reconsideration of the denial.

5. **Municipal ordinances and regulations.** The requirements of this chapter and of the regulations adopted under this chapter shall be considered minimum requirements. Nothing shall preclude a municipality from enforcing any ordinance or regulation which is more stringent than the requirements of this chapter or of the regulations adopted under this chapter.

**Sec. 4.** 22 MRSA § 1603, as enacted by PL 1971, c. 341, is repealed.

**Sec. 5. 22 MRSA § 1604, 1st sentence**, as amended by PL 1975, c. 293, § 4, is further amended to read:

The Department of Human Services 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~~ more than \$5,000.

**Sec. 6. 22 MRSA § 1605, 1st sentence**, as enacted by PL 1971, c. 341, is amended to read:

The fee for such permit shall be ~~\$25~~ \$100 and must accompany the application therefor.

**Sec. 7. 22 MRSA § 1607, 1st sentence**, as enacted by PL 1971, c. 341, is amended to read:

This chapter does not apply to fairs, exhibitions and similar events held by agricultural societies and associations, ~~Boy Scouts of America activities~~ pomological societies or poultry associations as defined and regulated under Title 7, chapter 3, or military activities.

#### STATEMENT OF FACT

The purpose of this new draft is to update the laws which regulate mass gatherings held outdoors.

Specifically, this bill makes the following changes in the present laws.

1. The definition of "mass outdoor gatherings" is changed from gatherings of 3,000 or more persons held for 24 hours or more to gatherings of 2,000 or more persons held for 12 hours or more.

2. The bill clarifies that municipal ordinances and regulations which are more stringent than the state requirements can supercede the state requirements.

3. The bill provides that an applicant for a permit for a mass gathering may appeal to the Administrative Court, if the permit is denied.

4. The bill clearly enumerates the factors which must be considered by the department as it determines whether a mass outdoor gathering will be safe.

5. The bill reduces the amount of the bond, which the applicant is required to provide the department, from not less than \$5,000 to not more than \$5,000.

6. The bill increases the fee for a permit for a mass gathering from \$25 to \$100.

7. The bill removes the Boy Scouts of America from the list of groups exempted from having to get a permit under this law.