

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
New Draft of: S. P. 51, L. D. 108

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1837**

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S. P. 524

In Senate, June 1, 1977

Reported by Senator Cummings from Committee on Legal Affairs and  
printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Relating to Licensing of Theaters and Motion Picture Houses.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current statutory provisions regarding licensing of motion pictures are outdated and were written when movie film was made of explosive material; and

Whereas, there is no current safety need for rigid fireproof construction of projectionists' booths; and

Whereas new theaters being constructed would have to meet the outdated building requirements or would have to delay completion until the effective date of this Act; and

Whereas, it is unnecessary to continue to mandate regulations which will not be effective in the near future and which would place an undue burden on movie theaters opening soon; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1.** 8 MRSA §§ 651 - 652, as last amended by PL 1971, c. 592, §§ 32 and 33, are repealed and the following enacted in their place:

### § 651. License required

No building or place of assembly shall be used for theatrical or motion picture purposes unless a license or permit shall have first been obtained from the Commissioner of Public Safety. No license shall be required if the building or place of assembly is a public or private school building, or a building owned by a municipality, county or the State; and no license shall be required if no admission fee is charged for the theatrical or motion picture production, or the production is sponsored, operated and conducted for the exclusive benefit of a social, fraternal, charitable, religious or educational organization and all admission fees are to be devoted exclusively to the uses of that organization. All buildings used for these purposes shall comply with the statutes and lawful regulations promulgated and properly adopted by the commissioner before a license may be issued. Each theater auditorium in a building shall be licensed.

### § 652. Applications for license; inspections

The owner, lessee, tenant or occupant of any building or place of assembly required to be licensed under section 651 shall make application to the Commissioner of Public Safety for that license. Upon receipt of the application, the commissioner shall inspect or cause to be inspected that building or place of assembly to be used for theatrical or motion picture purposes to ascertain its compliance with the statutes and regulations. If as a result of the inspection the commissioner is convinced that the regulations are fully complied with, he may issue a license to the person desiring to operate the theatrical or motion picture production in that building. A fee for a license shall be \$25. All theatrical or motion picture licenses issued shall expire one year after date of issue unless sooner revoked. The fees shall be credited to the State Fire Marshal's Office to defray the expenses of the office. Any balance of those fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

Sec. 2. 8 MRSA § 653, as last amended by PL 1971, c. 592, §§ 32 and 33 is repealed and the following enacted in its place:

### § 653. Projectionist licenses

1. License required. No person shall operate a motion picture projector or similar apparatus in any building which must be licensed under section 651 unless he has received a license to do so from the Electricians' Examining Board.

#### 2. Issuance of license.

A. The Electricians' Examining Board shall issue an operator's license to any person 18 years of age or older who files a sworn application therefor and who satisfactorily passes an examination conducted by that board as provided in subsection 3 to determine his fitness to receive the license.

B. The Electricians' Examining Board may issue an apprentice license upon payment of a fee of \$2 to any person who applies therefor, without examination, provided the applicant submits evidence satisfactory to the board that he is under the supervision of a licensed operator and that he has

the consent of the theater owner. An apprentice license shall expire one year from date of issue and may be renewed in the same manner as an original application.

C. All persons licensed by the board shall receive a certificate thereof under the seal of the Electricians' Examining Board and with the signature of the executive secretary, which shall state the facts.

3. Examinations. Applicants for an operator's license shall present to the executive secretary of the Electricians' Examining Board a written application for examination and license, containing such information as the board may require, accompanied by the required fee of \$10. Examinations shall be in whole or in part in writing, shall be conducted by the board at reasonable intervals, as necessary, and shall be of a thorough and practical character commensurate with the skills and knowledge required of a motion picture projectionist.

4. Renewals. All operators' licenses issued shall expire 2 years from date of issue and may be renewed thereafter for 2-year periods without further examination upon payment of a \$5 renewal fee.

Any person who fails to renew his license within 90 days following the expiration date shall be required to take an examination, providing that any person who fails to so renew his license due to the fact he was on active duty in the Armed Forces of the United States, shall not be required to take such examination, if he renews his license within 90 days from the date of his separation under conditions other than dishonorable from the Armed Forces of the United States. The Electricians' Examining Board shall notify everyone registered under this chapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. Such notice shall be mailed to such person's last known address at least 30 days in advance of the expiration date of his license. Such waiver of examination shall not be granted if the person served more than 4 years in the Armed Forces, except if he be required by some mandatory provision to serve any longer period and he shall submit satisfactory evidence thereof to the board.

All persons holding a valid license from the Commissioner of Public Safety may renew that certificate with the Electricians' Examining Board upon the normal expiration date of that license, without examination, upon application for such renewal and payment of the \$5 fee.

Sec. 3. 8 MRSA § 654, as amended by PL 1971, c. 592, § 32, is repealed.

Sec. 4. 8 MRSA § 654-A is enacted to read:

§ 654-A. Projectionist required on premise

A projectionist shall remain in any building or on the premises of any place of assembly licensed under section 651 while a motion picture projector or similar apparatus is in use.

Sec. 5. 8 MRSA § 655, as amended by PL 1971, c. 592, § 32, is repealed.

**Sec. 6.** 8 MRSA § 656 is repealed.

**Sec. 7.** 8 MRSA § 657 is repealed and the following enacted in its place:

**§ 657. Violations**

Whoever operates a theatrical or motion picture production contrary to sections 651 and 652 shall be guilty of a Class E crime.

**Sec. 8.** 8 MRSA § 659 is repealed.

**Sec. 9.** 32 MRSA § 1153, as repealed and replaced by PL 1973, c. 363, is repealed and the following enacted in its place:

**§ 1153. Meetings; rules and regulations**

The board shall hold regular meetings semiannually and such meetings as they determine are necessary. The board shall keep correct records of all its proceedings and shall be authorized to make such rules and regulations as it shall deem necessary for the holding of examinations and for carrying out this chapter, and the licensing requirements of Title 8, section 653, and to provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this State.

**Sec. 10.** 32 MRSA § 1155, sub-§ 2, as repealed and replaced by PL 1973, c. 363, is amended by adding at the end a new sentence to read:

**For motion picture projectionists licensed under Title 8, section 653, any gross negligence, incompetency or misconduct in the performance of their work shall be prima facie evidence of such gross negligence and incompetency.**

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

The purpose of this new draft is to clarify the language and to provide exceptions to the licensing requirements for theatrical or motion picture productions in schools and government-owned buildings, or for productions without admission or sponsored by social, fraternal, charitable, religious or educational organizations.

This new draft also retains the licensing requirements for motion picture projectionists, delegates the licensing authority to the Electricians' Examining Board and updates the licensing procedures. It also requires a projectionist to remain in the building while the projector is in use.