

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1731

S.P. 669

In Senate, January 23, 1996

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### **An Act to Amend the Mass Gathering Laws.**

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Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator PARADIS of Aroostook.  
Cosponsored by Representative KNEELAND of Easton and  
Senator: BENOIT of Franklin.

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

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**Sec. 1. 22 MRSA §1601, sub-§2**, as repealed and replaced by PL 1977, c. 347, §2, is amended to read:

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**2. Mass outdoor gatherings.** For the purposes of this chapter, a "mass outdoor gathering" ~~shall be deemed to mean any~~ means a gathering held outdoors with the intent to attract the continued attendance of 2,000 or more persons for 12 or more hours. For the purpose of determining whether a gathering is a mass outdoor gathering, a person staying, camping or otherwise temporarily residing on property contiguous to the property of the gathering is considered to be attending the gathering.

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**Sec. 2. 22 MRSA §1602, sub-§1**, as enacted by PL 1977, c. 347, §3, is amended to read:

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**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. A written application for a mass outdoor gathering permit must be submitted no later than 120 days before the anticipated gathering. The department shall respond within 30 days, citing approval, disapproval or any necessary conditions or terms. An applicant shall resubmit all the necessary information requested by the department no later than 60 days before the anticipated gathering. The department shall approve or disapprove finally an application no later than 30 days before the anticipated gathering.

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**Sec. 3. 22 MRSA §1604**, as amended by PL 1977, c. 347, §5, is further amended to read:

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**§1604. Permit, bond**

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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 more than \$5,000, to ensure the public peace, safety and compensation of damage to property, public or private. This requirement for a bond does not preclude the applicant or any other person from obtaining personal liability insurance for the mass gathering. Cash or negotiable securities of equivalent value may be furnished in lieu of the bond. The bond shall ~~must~~ guarantee cleanup by the applicant of the area used for the mass gathering, compliance by the applicant with any

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2 applicable state or local law or regulation, and payment by the  
applicant of all proper claims against the applicant for damage  
4 to real or personal property in the municipality for which the  
permit is issued and arising out of facts done or omitted to be  
6 done by the applicant, ~~his~~ the applicant's agents or employees.  
Any ~~A~~ person having such a claim may bring an action upon the  
8 bond in the Superior Court of the county in which the  
municipality is located within one year of the occurrence of the  
10 act complained of. In furnishing such a bond, the applicant shall  
be ~~is~~ deemed to have appointed the surety company as agent for  
12 the service of process upon ~~him~~ the applicant or if cash or  
securities are supplied in lieu of a bond, the applicant shall in  
14 writing appoint an agent for the service of process, irrevocably,  
for the term within which action may be brought before any permit  
is issued.

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### STATEMENT OF FACT

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This bill makes the following changes to the laws regulating  
a mass outdoor gathering:

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1. It provides that for the purpose of determining whether  
24 a gathering is a mass outdoor gathering, a person staying,  
camping or otherwise temporarily residing on property next to the  
26 property of the gathering is considered to be attending the  
gathering;

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2. It establishes a process for the issuance of a mass  
30 outdoor gathering permit, including the requirement that an  
application for a permit be submitted no later than 120 days  
32 before the gathering; and

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3. It provides that the requirement for a bond does not  
36 preclude a person from obtaining personal liability insurance for  
the gathering.