

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1230

S.P. 371

In Senate, February 25, 1997

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### An Act Concerning the Outdoor Gathering Laws.

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BENOIT of Franklin.  
Cosponsored by Representative MERES of Norridgewock.

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

2           **Sec. 1. 22 MRSA §1601**, as repealed and replaced by PL 1977,  
4 c. 347, §2, is repealed.

6           **Sec. 2. 22 MRSA §§1601-A and 1601-B** are enacted to read:

8           **§1601-A. Definitions**

10           As used in this chapter, unless the context otherwise  
12 indicates, the following terms have the following meanings.

14           **1. Mass gathering area.** "Mass gathering area" means a  
16 place, public or private, maintained, operated or used for or in  
18 connection with a mass outdoor gathering.

20           "Mass gathering area" also includes all camping areas used  
22 primarily or exclusively in connection with the mass gathering  
24 and those camping areas need not be contiguous.

26           **2. Mass outdoor gathering.** "Mass outdoor gathering" means  
28 an actual or anticipated assembly of more than 2,000 people  
30 occurring mostly outdoors but includes a temporary structure and  
32 whose assembly at the mass gathering area continues or is  
34 reasonably expected to continue for more than 12 consecutive  
36 hours. A mass outdoor gathering includes all congregations and  
38 assemblies organized or held for any purpose but does not include  
40 assemblies in permanent structures designed or intended for use  
42 by a large number of people. To determine whether a mass outdoor  
44 gathering extends for more than 12 consecutive hours, the 12-hour  
46 period begins when people are first permitted at the mass  
48 gathering area and ends when people in attendance are expected to  
50 depart.

**3. Operator.** "Operator" means a person who holds, stages,  
          sponsors or promotes an outdoor mass gathering. The operator  
          also means the person responsible for the managing of the mass  
          outdoor gathering area and, if no person is responsible, the  
          operator means the owner, lessee or possessor of the real  
          property upon which the mass outdoor gathering takes place.

**4. Permanent structure.** "Permanent structure" means a  
          stadium, an arena, an auditorium, a coliseum, a fairground or  
          other established place for assemblies.

**5. Temporary structure.** "Temporary structure" means a  
          structure erected or sited for temporary or nonpermanent use.

**§1601-B. Permit required**

2 A person, corporation, partnership, association or group of  
3 any kind may not sponsor, hold, conduct, advertise or otherwise  
4 promote a mass outdoor gathering unless a permit is obtained from  
5 the commissioner.

6 **Sec. 3. 22 MRSA §1602**, as amended by PL 1987, c. 402, Pt. A,  
7 §139, is repealed and the following enacted in its place:

8 **§1602. Permit process**

10  
11 **1. Written application.** An application for a permit to  
12 hold a mass outdoor gathering must be filed with the commissioner  
13 not less than 60 days before the first day of the mass outdoor  
14 gathering. The commissioner shall issue a permit for a mass  
15 outdoor gathering upon receipt of a written application for a  
16 permit if all requirements and conditions of this chapter are met  
17 and the operator demonstrates compliance with or the ability to  
18 comply with the health and safety rules governing outdoor mass  
19 gatherings pursuant to sections 1608 and 1609.

20  
21 **2. Contents of application.** In addition to other  
22 information the commissioner may reasonably require from an  
23 applicant for a permit, the permit application must contain the  
24 following information:

25 A. The operator's full name, address and telephone number;

27 B. A description of the proposed event;

29 C. A statement of the maximum number of persons the  
30 operator will allow to attend the mass outdoor gathering and  
31 the plan the operator intends to use to limit attendance to  
32 that number. The operator shall provide provisions for  
33 preventing the number of people in excess of the maximum  
34 permitted number from gaining access to the mass gathering  
35 area;

36  
37 D. A statement from local fire and police authorities  
38 having jurisdiction over the area of the proposed mass  
39 outdoor gathering acknowledging that adequate security,  
40 traffic control and law enforcement is available for the  
41 proposed mass outdoor gathering;

42  
43 E. The specific details, including certified copies of  
44 contracts entered into, of provisions relating to:

45 (1) Food and drink;

46  
47 (2) Sanitary facilities;

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- 2                   (3) Transportation and parking facilities;  
4                   (4) Security and protection of surrounding areas;  
6                   (5) On-site medical facilities;  
8                   (6) Janitorial services and postgathering trash  
10                   removal; and  
12                   (7) The bond or verified evidence of cash or  
                    negotiable securities in lieu of the bond, if  
                    applicable;

14           F. A diagram of the proposed site of the mass outdoor  
              gathering area that includes:

- 16                   (1) The location and number of all proposed toilets,  
18                   lavatories and water supply sources;  
20                   (2) The location of food service areas, first aid  
22                   facilities, refuse disposal facilities and all security  
                    and traffic control personnel;  
24                   (3) The location and size of all entrances and exits  
26                   to public highways;  
28                   (4) The location and size of all ingress and egress  
                    roads in and around the mass gathering area;  
30                   (5) The location and size of all camping areas; and  
32                   (6) The location and size of all parking areas;

34           G. If applicable, a statement from the municipal governing  
36           body in which the mass outdoor gathering is intended to be  
              held that the mass outdoor gathering has municipal approval;  
              and

38           H. Examples of proposed advertising of the event, if any.

40                   3. Commissioner's determination. In determining whether to  
42           grant or deny the permit, the commissioner shall consider the  
              availability of the following:

- 44                   A. An adequate and satisfactory water supply and sewage  
46                   facilities;  
48                   B. Adequate refuse storage and disposal facilities;  
50                   C. Adequate medical supplies and care;

- 2            D. Adequate fire protection;
- 4            E. Adequate police protection;
- 6            F. Adequate traffic control;
- 8            G. Sufficient coverage through a bond, liability insurance,  
cash or negotiable securities; and
- 10
- 12           I. Any other matters that may affect the public health or  
safety.

14           4. Permit denied; appeal. An applicant who has been  
aggrieved by the commissioner's decision to deny a permit under  
this chapter may appeal to the Superior Court pursuant to the  
Maine Rules of Civil Procedure, Rule 80B.

18           Sec. 4. 22 MRSA §1604, as amended by PL 1977, c. 347, §5, is  
repealed and the following enacted in its place:

22           **§1604. Bond requirement**

24           If a local ordinance does not require that liability  
insurance or a bond be furnished to the governing body of the  
municipality in which the mass outdoor gathering is to be held,  
the organizer shall provide a bond in an amount determined by the  
department but not to exceed \$200,000, issued by a surety company  
authorized to transact business in this State. Cash or  
negotiable securities or equivalent value may be furnished in  
lieu of the bond. The purpose of the bond is to ensure  
compliance with this chapter and compensation of damage to  
property, whether public or private. The bond guarantees cleanup  
by the operator of the area used for the mass outdoor gathering  
and compliance by the operator with any applicable state or local  
law or regulation. The bond is to benefit anyone who is injured  
or damaged in the municipality for which the permit is issued as  
a result of the activity of a mass outdoor gathering. Anyone  
claiming against the bond may bring an action in the Superior  
Court of the county in which the municipality is located within  
one year of the occurrence of the damage of which the complaint  
was made. In furnishing such a bond, the operator is deemed to  
have appointed the surety company as agent for the service of  
process upon the operator or, if cash or securities are supplied  
in lieu of a bond, the applicant shall appoint, in writing, an  
agent for the service of process, irrevocably, for the term  
within which action may be brought before any permit is issued.  
If a local ordinance in the municipality in which the mass  
gathering is to be held requires the posting of a bond or

2 liability insurance to obtain a permit for a mass gathering, the  
3 local ordinance applies.

4 **Sec. 5. 22 MRSA §1604-A** is enacted to read:

6 **§1604-A. Deposit**

8 The operator shall provide a cash deposit to the  
9 commissioner to cover the anticipated and reasonable costs of  
10 police, fire and medical services provided by the State. Within  
11 30 days after the mass outdoor gathering, the actual state costs  
12 must be calculated and the deposit must be refunded to the  
13 operator to the extent it exceeds the actual state costs. If the  
14 actual state costs exceed the amount deposited, the operator  
15 shall pay the excess to the State within 10 days after  
16 notification.

18 **Sec. 6. 22 MRSA §1605**, as amended by PL 1977, c. 347, §6, is  
19 further amended to read:

20 **§1605. Permit fee**

22 The fee for such the permit shall--be is \$100 and must  
23 accompany the application therefor. All--moneys Money received  
24 under this chapter shall must be used to help defray the costs of  
25 the administration thereof.

28 **Sec. 7. 22 MRSA §1606**, as enacted by PL 1971, c. 341, is  
29 amended to read:

30 **§1606. Penalty**

32 Any person violating any provision of this chapter, ~~or any~~  
33 ~~rule and regulation any municipal regulation or any rule issued~~  
34 ~~pursuant thereto, shall be punished by a fine of not more than~~  
35 ~~\$5,000 or by imprisonment for not more than 11 months, or by both~~  
36 ~~to this chapter commits a Class D crime.~~

38 **Sec. 8. 22 MRSA §1607**, as amended by PL 1987, c. 395, Pt. A,  
39 §88, is further amended to read:

40 **§1607. Application**

42 This chapter does not apply to fairs, exhibitions and  
43 similar events held by agricultural societies and associations,  
44 pomological societies or poultry associations as defined and  
45 regulated under Title 7, chapter 3, or military activities. It  
46 shall ~~does~~ not apply to persons, associations, corporations,  
47 trusts or partnerships licensed under Title 8, chapters 11 and 19.

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Sec. 9. 22 MRSA §§1608 to 1610 are enacted to read:

**§1608. Rules**

For the protection of the public health, safety and welfare of those attending mass outdoor gatherings and of other persons who may be affected by mass outdoor gatherings, the department shall adopt rules to carry out the provisions of this chapter and to establish requirements for the provision of facilities and services at the mass outdoor gatherings. The rules must include, but are not limited to, the establishment of requirements as follows:

1. Minimum size of activity area. General requirements relating to the minimum size of an activity area including camping and parking space and distance from public water supplies and watersheds;

2. Ingress and egress roads. Adequate ingress and egress roads, parking facilities and entrances and exits to public highways;

3. Crowd control. Plans for limiting attendance and crowd control;

4. Medical care. Medical care, including facilities, services and personnel; and

5. Sanitation control. Sanitary water supply, source and distribution; toilet facilities; sewage disposal; solid waste collection and disposal; food dispensing; insect and rodent control; and postgathering cleanup.

**§1609. Security and medical personnel**

Only certified law enforcement personnel or contract security companies licensed in accordance with Title 32, chapter 93 shall provide security services. All medical personnel including any ambulance service must be licensed by the State.

**§1610. Rules**

Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**SUMMARY**

This bill amends the mass gathering laws by establishing health and safety rules to regulate mass outdoor gatherings.