## MAINE STATE LEGISLATURE

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## 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

**Legislative Document** 

No. 123

H.P. 105

House of Representatives, January 20, 2011

An Act To Assist Seasonal Entertainment Facilities with Public Safety Requirements

(EMERGENCY)

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Heather J.R. PRIEST Clerk

Presented by Representative DAVIS of Sangerville.

Cosponsored by Senator THOMAS of Somerset and

Representatives: BLACK of Wilton, CRAFTS of Lisbon, CRAY of Palmyra, FREDETTE of

Newport, GIFFORD of Lincoln, Senators: COURTNEY of York, GERZOFSKY of

Cumberland, TRAHAN of Lincoln.

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

**Whereas,** seasonal entertainment businesses in Maine are open for limited days during the year and sprinkler systems add to the cost of operation; and

Whereas, many seasonal entertainment businesses are open during the summer months; and

Whereas, in order to reduce costs incurred by these businesses, it is imperative that this legislation take effect as soon as possible; 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. 25 MRSA §2452, first ¶,** as amended by PL 2007, c. 632, §1, is further amended to read:

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

33 SUMMARY

This bill prohibits the requirement of sprinkler systems in commercial places of assembly that open for no more than 50 days per calendar year. Commercial places of assembly include bars with live entertainment, dance halls, nightclubs, assembly halls with festival seating and restaurants.