

# MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 1135, L. D. 599.

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**Legislative Document**

**No. 815**

H. P. 1293

House of Representatives, March 19, 1943.

Reported by Mr. Payson from Committee on Legal Affairs and laid on the table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

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**AN ACT Relating to Ordinances Covering Public Assemblage, Etc.**

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

**R. S., c. 5, § 136, additional.** Section 136 of chapter 5 of the revised statutes, as amended, is hereby further amended by adding thereto a new subsection XVII, to read as follows:

**‘XVII. Towns and cities may establish and adopt by-laws and ordinances for promoting the safety and general welfare of the public and of the occupants and users of certain existing buildings and parts thereof:**

To establish adequate standards for all features of means of egress, fire protection, fire prevention, accident prevention and structural safety in, on and in connection with existing buildings or parts thereof in use, habitually or occasionally, for public assemblage, including parts of buildings used for other occupancies but affecting the parts used for public assemblage as to said features of public safety.

To make mandatory alterations and improvements to bring such existing buildings or parts thereof up to said standards of safety where such buildings or parts thereof are or are to be rented out for use, or used, either habitually or occasionally, for public assemblage with intent of financial gain to an individual, partnership or corporation; to provide that

owners of buildings used in any parts thereof for public assemblage where financial gain to an individual, partnership or corporation is not involved, or the lessee of any such parts, or both parties, may be advised by way of warning in writing, as to said features of public safety in connection with such place of public assemblage which appear dangerously deficient in comparison with said standards of safety.

To license all parts of buildings used or to be used for public assemblage thus regulated as to safety by by-law or ordinance authorized hereunder, where buildings or parts thereof are or are to be rented out for use, or used, either habitually or occasionally, for public assemblage with intent or financial gain to an individual, partnership or corporation; and to assign and collect fees for said licenses commensurate with the size, capacity or other rational feature of the establishment as related to safety.

To make provision for enforcement of such by-law or ordinance, including requirements that owner or tenant of such a licensed establishment shall file plans of such establishment adequate to show all of said safety features, failure to furnish such adequate plans to be sufficient cause for denying or revoking such a license; provided, that all enforcement officers designated in said ordinance shall be given free access at all reasonable hours to all parts of buildings used in any parts thereof for public assemblage; that any buildings or parts thereof used in violation of or without a license required by said by-law or ordinance is a nuisance; that appeal from any order issued under said ordinance shall lie to the municipal officers and from said municipal officers to the superior court according to the same procedure provided elsewhere by statute; that any person, firm or corporation, being the owner, agent in principal charge of, or tenant of any part of such building used for public assemblage as controlled by said by-law or ordinance, who shall violate any terms thereof, or refuse to obey any order issued thereunder, shall be guilty of a misdemeanor under the jurisdiction of the municipal court.

“Place of public assemblage” as used in this section shall mean a room or space which is used for the congregation or gathering of 100 or more persons for religious, recreational, educational, political, social or amusement purposes, or for the consumption of food or drink, except as herein otherwise specifically provided. For the purpose of this definition, such room or space shall include any occupied connecting room or space in the same story or stories above or below where entrance is common to the rooms or spaces.’