

§1602. Permit issuance

1. Written application. The Commissioner of Health and 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.

[PL 1977, c. 347, §3 (NEW); PL 2003, c. 689, Pt. B, §7 (REV).]

2. Commissioner's determination. In determining whether there exists a reasonable certainty that the gathering will present a grave and imminent danger to the public health or safety, the commissioner shall consider the nature of the gathering and the availability of:

A. An adequate and satisfactory water supply and facilities; [PL 1977, c. 347, §3 (NEW).]

B. Adequate refuse storage and disposal facilities; [PL 1977, c. 347, §3 (NEW).]

C. Sleeping areas and facilities; [PL 1977, c. 347, §3 (NEW).]

D. Wholesome and sanitary food service; [PL 1977, c. 347, §3 (NEW).]

E. Adequate medical supplies and care; [PL 1977, c. 347, §3 (NEW).]

F. Adequate fire protection; [PL 1977, c. 347, §3 (NEW).]

G. Adequate police protection; [PL 1977, c. 347, §3 (NEW).]

H. Adequate traffic control; and [PL 1977, c. 347, §3 (NEW).]

I. Any other matters as may affect the security of the public health or safety. [PL 1977, c. 347, §3 (NEW).]

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3. Plans; cooperation. In its review of applications for permits for the holding or promoting of a mass outdoor gathering, the department may require such plans, specifications and reports as it considers necessary for a proper review. In its review of such applications, as well as in carrying out its other duties and functions in connection with such a gathering, the department may request and must receive from all public officers, departments and agencies of the State and its political subdivisions such cooperation and assistance as may be necessary and proper. A permit may not be issued by the department until the commissioner or the commissioner's representative has discussed the application with the municipal officers of the municipality in which the event is intended to be held.

[RR 2021, c. 2, Pt. B, §99 (COR).]

4. Permit denied; appeal. An applicant who has been aggrieved by the department's decision to deny a permit under this chapter may file within 30 days of the notice of the denial a complaint with the District Court, as provided in Title 5, chapter 375. A hearing before the District Court for reconsideration of the denial may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

[PL 2011, c. 559, Pt. A, §24 (AMD).]

5. Municipal ordinances and regulations. The requirements of this chapter and of the regulations adopted under this chapter shall be considered minimum requirements. Nothing shall preclude a municipality from enforcing any ordinance or regulation which is more stringent than the requirements of this chapter or of the regulations adopted under this chapter.

[PL 1977, c. 347, §3 (NEW).]

SECTION HISTORY

PL 1971, c. 341 (NEW). PL 1975, c. 293, §4 (AMD). PL 1977, c. 347, §3 (RPR). PL 1981, c. 703, §A11 (AMD). PL 1987, c. 402, §A139 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c.

547, §B80 (AFF). PL 2003, c. 673, §AA1 (AMD). PL 2003, c. 689, §B7 (REV). PL 2011, c. 559, Pt. A, §24 (AMD). RR 2021, c. 2, Pt. B, §99 (COR).

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