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# Maui Dance Advocates

In Maui County, the Liquor Commission has made attempts to control the freedom of expression in all bars and restaurants. They have rules in place that state that a dance floor is the only place you can "move your body, especially the feet, in rhythm, ordinarily to music."

The person "dancing" does not get fined, the establishment that allows dancing does. An establishment can purchase a permit from the Liquor Commission to allow dancing, but only in designated areas.

Maui Dance Advocates is in favor of dance floors, but feel a person has the right to move their body moderately anywhere they are.

In October 2006, Maui Dance Advocates were on the Liquor Commission's agenda to discuss, "What is dancing?"

After the meeting the LC gave a written reply which states, "The Commission has determined that there is no definitive answer to your question on what is the definition of dancing. One of the definitions in the Webster dictionary is, in part: To move the body, especially the feet, in rhythm, ordinarily to music."

After receiving the reply, Maui Dance Advocates decided they must work to change this rule. And in April 2007 they were on the LC's agenda again. This time they had a petition with 84 names asking the LC to change the rules. Six people came to the meeting to testify in favor of a rule change, including one bar manager. Nobody came to speak against it.

At the end of the meeting, the LC unanimously voted not to amend the rule. A few days later, a letter arrived stating, "The Commission determined that there was insufficient reason to amend Rule 08-101-23. You may appeal this decision in accordance with Section 91-14(b) of the Hawaii Revised Statutes."

Maui Dance Advocates paid for the court filing cost, and attorney Lance Collins agreed to take the case pro bono. On November 28, 2007, they had their day in court.

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Collins gave a very compelling argument to change the rules. The Corporation Council, on behalf of the LC, gave the argument that the judge did not have jurisdiction to make a ruling. Because Maui Dance Advocates only asked the LC to change the rule, the judge was obligated by law not to make a ruling.

Maui Dance Advocates has filed a declaratory ruling with the LC, which will be discussed on March 12, 2008 in Wailuku at the David K. Trask Building.

Maui Dance Advocates question the constitutionality of the LC’s dance rules, as well as how they have the authority to tell U.S. citizens they can not bob their head or tap their feet.

Many people are unaware of the rule and establishments do not want to go on record because the LC has the power to take away their liquor license.

People from the community are welcome to give testimony about dancing. Efforts are being made to collect written testimony for those who are not able to leave work.

The meeting will be televised on Akaku Maui Public Television and Maui Dance Advocates has drop boxes in Paia at Postal Plus, Wailuku at Request Music and Kihei and the Aloha Market Place.

Check out the website for more information: [www.myspace.com/mauidanceadvocates](http://www.myspace.com/mauidanceadvocates) or call Anthony Simmons at 808-264-7691.

*February 26, 2008*

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