

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 240

H. P. 191

House of Representatives, January 31, 1979

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Wentworth of Wells.

Cosponsor: Mrs. Prescott of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State.

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

Sec. 1. 7 MRSA § 3451, 2nd ¶, as last amended by PL 1975, c. 391, § 1, is repealed and the following enacted in its place:

A fee of \$9 shall be paid the city or town clerk for each license issued on unneutered male dogs and for all female dogs capable of bearing young. All male dogs shall be considered as unneutered unless a certificate issued by any licensed veterinarian stating that the dog was neutered by orchidectomy by him, or any previous license record so indicating, is presented. All female dogs shall be considered capable of producing young unless a certificate issued by any licensed veterinarian stating that the female was made incapable of bearing young by spaying by him, or any previous license record so indicating, is presented. When the certificate accompanies the application, a fee of \$4 shall then be paid on a neutered male or a spayed female. In addition to the amount paid for a license and tag, each applicant shall pay the city or town clerk \$1 for recording and making a return to the Commissioner of Agriculture, except that a license and tag shall be issued by the city or town clerk, upon application, for any trained guide dog owned or kept by a blind person without payment of any fee required under this section.

When any such dog has not been previously registered or licensed by the town or city clerk to whom application is being made, the town or city clerk shall not register that dog nor issue to the owner or keeper a license and tag therefor, unless written evidence shall be exhibited to him that the dog is trained and educated and intended in fact to perform guide service for the applicant.

Sec. 2. 7 MRSA § 3451, 9th ¶, as last amended by PL 1975, c. 393, § 2, is further amended to read:

When the number of dogs so kept does not exceed 10, the fee for such license shall be ~~\$11~~ **\$24** and in addition ~~50¢~~ **\$1** for each license as a fee for recording and making the return required by law; when the number of dogs so kept exceeds 10, the fee for such license shall be ~~\$21~~ **\$49** and in addition ~~50¢~~ **\$1** for each such license as a fee for recording and making the return required by law. Dogs covered by kennel license shall be furnished suitable kennel tags as prescribed by the commissioner or his agent and shall not be required to be individually licensed.

Sec. 3. 7 MRSA § 3459 is enacted to read:

§ 3459. Reimbursement of municipalities

The commissioner shall reimburse each municipality for the reasonable costs it incurs in the administration of sections 3455 to 3458. No reimbursement shall be received by any municipality under this section until the municipal clerk shall have filed with the commissioner a certified audit or sworn notarized statement of the expenses incurred in the administration of sections 3455 to 3458.

Sec. 4. 8 MRSA § 2, as amended by PL 1977, c. 348, § 1, is further amended to read:

§ 2. Licenses

Municipal officers may license suitable persons to keep bowling alleys, shooting galleries, pool, bagatelle and billiard rooms therein, in any place where it will not disturb the peace and quiet of a family ~~for which the person licensed shall pay \$20 to such town~~. Such licenses expire on the first day of May after they are granted, unless sooner revoked. **The municipal officers shall set a reasonable fee for the issuance of licenses required by this chapter.**

Sec. 5. 8 MRSA § 443, as last amended by PL 1977, c. 348, § 2, is further amended to read:

§ 443. Issuance of license

The license required shall be obtained from said clerk ~~upon the payment of an annual fee of \$10~~ for each premise on which such machine or machines shall be located and shall expire on June 30th of each year. The application for such license shall be made to the clerk upon a form supplied by him for that purpose and shall contain such information as he may require. No such license shall be granted to any person under the age of 18 years nor to any firm, corporation or association whose officers are under said age. **The municipal officers shall set a reasonable fee for the issuance of licenses required by this chapter.**

Sec. 6. 12 MRSA § 2401, sub-§ 3, 2nd ¶, as amended by PL 1975, c. 516, § 12, is repealed and the following enacted in its place:

The appointed clerk or other agent shall retain a fee of 50¢ for each nonresident license issued and \$1 for each resident license issued.

Sec. 7. 12 MRSA § 2401, sub-§ 6, 2nd sentence, as repealed and replaced by PL 1975, c. 772, § 6, is amended to read:

Such stamp shall be issued by the commissioner or his authorized agent for a fee of \$3.25, ~~25¢~~ 50¢ of which shall be retained by the agent and shall be exhibited to any warden or employee of the department upon request.

Sec. 8. 12 MRSA § 2401-B, sub-§ 3, ¶C as last amended by PL 1975, c. 590, § 10, is further amended to read:

C. Resident or nonresident 3-day fishing. \$7.50

Any resident of the State who procures a 3-day license may exchange the same for an annual resident fishing license in the town in which he resides upon the payment of ~~50¢~~ \$1 to the clerk or issuing agent.

Sec. 9. 22 MRSA § 2702, sub-§ 2, as amended by PL 1975, c. 443, is further amended by adding at the end the following new sentence:

The state registrar shall compensate the municipal clerk for his services by forwarding to him the sum of \$1 for each certificate transmitted under this subsection.

Sec. 10. 22 MRSA § 4718, sub-§ 2, as enacted by PL 1969, c. 95, § 1, is repealed and the following enacted in its place:

2. Dogs to be licensed; fee and general provisions. Each member of the tribes and all other persons residing on the reservations, who owns, keeps or has in his possession a dog, more than 4 months old, shall annually before the first day of April cause it to be registered, numbered, described and licensed for one year from the first day of April, in the offices of the clerks, and shall keep around its neck a collar distinctly marked with the owner's name and its registered number, and shall pay to the clerks for a license \$5.25 for each unneutered male dog and female dog capable of bearing young. All male dogs shall be considered as unneutered unless a certificate issued by any licensed veterinarian stating that the male dog was neutered by him by orchidectomy, or any previous license record so indicating, is presented. All female dogs shall be considered capable of bearing young unless a certificate issued by any licensed veterinarian stating that the female was made incapable of bearing young by spaying, or any previous license record so indicating, is presented. When the certificate or record accompanies the application a fee of \$2.25 shall then be paid on the neutered male or spayed female. Any member of the tribes and all other persons residing on the reservations becoming the owner or keeper of a dog after the first day of April not duly licensed, shall cause it to be registered, numbered, described and licensed as provided.

Sec. 11. 22 MRSA § 4718, sub-§ 3, as enacted by PL 1969, c. 95, § 1, is amended to read:

3. License fees; how expended. Said clerks shall issue said license and receive the money therefor, and turn the same into the fund for the municipal purposes of said tribes, retaining to ~~his~~ **their** own use ~~25¢~~ **\$1** for each license issued.

Sec. 12. 28 MRSA § 702, sub-§ 1, 2nd sentence, as enacted by PL 1977, 501, § 1, is repealed as follows:

~~The fee for a special amusement permit shall be \$10~~

Sec. 13. 28 MRSA § 702, sub-§ 3, first sentence, as enacted by PL 1977, c. 501, § 1, is amended to read:

A municipality shall adopt ordinances or authorize the municipal officers to establish written rules and regulations, governing the issuing, suspension and revocation of these permits, the classes of permits **and fees for the issuance of these permits**, the music, dancing or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare.

Sec. 14. 30 MRSA § 2352, sub-§ 1, ¶ A, is amended to read:

A. Administration of an oath, ~~50¢~~ **\$1**;

Sec. 15. 30 MRSA § 2352, sub-§ 1, ¶ D, sub-¶ (1) is repealed and the following enacted in its place:

(1) **Issuance of a copy of the record to the applicant, \$2;**

Sec. 16. 30 MRSA § 2352, sub-§ 1, ¶ E, sub-¶ (1) is repealed and the following enacted in its place:

(1) **Issuance of a copy of the amended birth record to the applicant, \$2;**

Sec. 17. 30 MRSA § 2352, sub-§ 1, ¶¶ F, G, H and I, as amended by PL 1965, c. 258, § 1, are further amended to read:

F. Release of an attachment, ~~\$1~~ **\$2**;

G. Certificate of partnership, ~~\$2~~ **\$5**;

H. Certificate of withdrawal of a partner, ~~\$2~~ **\$5**;

I. Certificate of a person engaging in trade under a name, style or designation other than his own, ~~\$2~~ **\$5**;

Sec. 18. 30 MRSA § 2352, sub-§ 1, ¶ J, is amended to read:

J. Honorable discharge or release papers of veterans of the Armed Forces of the United States of America, ~~25¢~~ **\$2**;

(1) A copy of such a document attested by the clerk is prima facie evidence of its existence and validity.

Sec. 19. 30 MRSA § 2352, sub-§ 1, ¶K as amended by PL 1965, c. 258, § 1, are amended to read:

K. Petition for enforcement of a lien on monumental works, ~~\$1~~ \$2;

Sec. 20. 30 MRSA § 2352, sub-§ 2, as amended by PL 1971, c. 250, is further amended to read:

2. Marriage intentions and license. Recording marriage intentions and issuing a marriage license, ~~\$6~~ \$10, except, where the laws of this State require 2 licenses, the fee shall be ~~\$3~~ \$5 each;

Sec. 21. 30 MRSA § 2352, sub-§ 3, as amended by PL 1977, c. 5, is further amended to read:

3. Birth, marriage or death certificates. Issuing the following:

A. Certificate of birth, marriage or death, ~~\$2~~ \$5;

B. Burial permit, ~~\$2~~ \$5;

Sec. 22. 30 MRSA § 2352, sub-§ 4, as amended by PL 1971, c. 308, § 5, is further amended to read:

4. Marginal release. Entering in the margin of a record the release of an attachment, ~~50¢~~ no charge;

A. The marginal release shall be signed by the person making it.

Sec. 23. 30 MRSA § 2455, as last amended by PL 1973, c. 424, § 2, is repealed and the following enacted in its place:

§ 2455. Permit fees

The municipal officers or county commissioners, as provided for in section 2452, shall set a reasonable fee for the issuance of a permit required by this chapter. The fee shall be collected from the applicant prior to the issuance of the permit.

Sec. 24. 30 MRSA § 2501, sub-§ 1, is repealed and the following enacted in its place:

1. Inventory license. That the person or persons shall, before the beginning of the disposal sale, obtain, from the municipal officers of the city or town in which the sale shall be conducted, a license to conduct the sale. An application for the license shall be made to the municipal officers under oath, shall contain a complete inventory of all items to be included in the sale, and shall be accompanied by the payment of a license fee as set by the municipal officers for the issuance of licenses under this chapter. The license shall be valid and effective for a period of 60 days from date of issuance, unless revoked as provided, and the validity of the license may be extended for a period of 60 additional days if the

licensee shall furnish to the municipal officers an affidavit to the effect that all goods, wares or merchandise listed in the inventory have not been disposed of within the original 60-day period;

Sec. 25. 30 MRSA § 2754, as last amended by PL 1965, c. 243, § 8, is repealed and the following enacted in its place:

§ 2754. Fee

Every person licensed as an innkeeper, victualer or tavern-keeper shall pay to the treasurer for the use of the town a reasonable fee as set by the municipal officers for the issuance of the licenses.

Sec. 26. 30 MRSA § 2756, last sentence, as repealed and replaced by PL 1973, c. 94, is repealed and the following enacted in its place:

The municipal officers may establish reasonable classifications of lodging houses and reasonable fees for the issuance of lodging house licenses.

Sec. 27. 32 MRSA § 251, 6th sentence, as last amended by PL 1965, c. 222, § 2, is further amended to read:

In addition, any municipality may require a local license to hold auctions therein upon payment of a local license fee ~~not to exceed \$10 as set by the municipal officers~~, but no local license may be required for an auction of less than 4 days duration conducted by a resident auctioneer.

Sec. 28. 32 MRSA § 255, first ¶, 3rd sentence, is repealed and the following enacted in its place:

The municipal officers of the city or town shall establish a reasonable fee for the issuance of licenses under this section.

Sec. 29. 32 MRSA § 255, last ¶, as amended by PL 1977, c. 273, § 8, is further amended to read:

If such auction sale is to be conducted in an unorganized township or in a plantation, the application to conduct such sale shall be directed to the commissioner, and the same information required to be furnished to the clerk of a city or town for a local license shall be furnished the commissioner, together with ~~the same~~ a fee of \$5, who thereupon may issue such license for such auction sale. Any municipality requiring a local license of resident auctioneers under section 251 may require the same local license of nonresident auctioneers.

STATEMENT OF FACT

The 108th Legislature recognized the fact that municipal clerks perform many vital functions and duties on behalf of the State and that recent changes in the law relating to the filing of financing statements under the Uniform Commercial Code, Article 9, have significantly decreased revenues which formed a major

portion of the compensation of many clerks. Although public law, 1977, chapter 702, established a formula to temporarily reimburse clerks and municipalities for these losses, the need for a more permanent means to compensate them for the performance of state mandated duties was recognized.

The intent of this legislation is to provide more reasonable compensation for the issuance of certain state mandated licenses and the collection and preservation of vital statistics. Also, this bill allows the municipal officers to determine the fees for many licenses which are currently set by state statute. In this manner, the fee may more closely reflect local administrative costs or regulatory programs.