

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 704

6
7 H.P. 501

House of Representatives, February 26, 1985

8 Reference to the Committee on Transportation suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT Pertaining to Municipal Licensing
18 Fees.
19

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

22 Sec. 1. 29 MRSA §1703, first ¶, as amended by PL
23 1975, c. 130, §1, is further amended to read:

24 Jurisdiction is vested in the Department of
25 Transportation to grant emergency permits upon proper
26 application in writing to move objects having a
27 length or width or height or weight greater than
28 specified in this Title over any way or bridge main-
29 tained by the Department of Transportation. Like per-
30 mits may be granted by county commissioners, municip-
31 al officers, superintendents of streets or other
32 road officials having charge of the repair and main-
33 tenance of any other way or bridge. ~~The fee for such~~
34 ~~permits shall be not less than \$3, nor more than \$15,~~
35 ~~to be determined, on the basis of weight, height,~~
36 ~~length and width, by the Department of Transporta-~~

1 ~~tion-~~ All vehicles granted emergency permits under
2 this section, because object to be moved is over le-
3 gal maximum weight, must first be registered or hold
4 a short-term permit for the maximum legal gross
5 weight allowed with such vehicle.

6 Sec. 2. 30 MRSA §1917, as enacted by PL 1969, c.
7 563, is amended to read:

8 §1917. Ordinance, power limited

9 Any municipality may, by the adoption, amendment
10 or repeal of ordinances or bylaws, exercise any power
11 or function which the Legislature has power to confer
12 upon it, which is not denied either expressly or by
13 clear implication, and exercise any power or function
14 granted to the municipality by the Constitution, gen-
15 eral law or charter. No change in the composition,
16 mode of election or terms of office of the legisla-
17 tive body, the mayor or the manager of any municipal-
18 ity may be accomplished by bylaw or ordinance. In the
19 exercise of any power or function concerning the li-
20 censing of persons or occupations, a municipality may
21 require the payment of fees sufficient to defray its
22 full costs of regulation or enforcement or which is
23 otherwise connected with the licensing or directly
24 attributable to the licensed activity.

25 Sec. 3. 30 MRSA §2754, as amended by PL 1979, c.
26 562, §14, is further amended to read:

27 §2754. Fee and record

28 Every person licensed as an innkeeper, victualer
29 or tavernkeeper shall pay to the treasurer for the
30 use of the town a fee of \$1 and such additional
31 amount as the town may by ordinance or bylaw pre-
32 scribe. ~~Such ordinance or bylaw may, for the purpose~~
33 ~~of fixing such fees, establish classifications of~~
34 ~~victualers according to the size, nature or other~~
35 ~~condition of business conducted and may prescribe for~~
36 ~~each of such classifications an appropriate fee which~~
37 ~~shall not in any case exceed the sum of \$50 in towns~~
38 ~~of less than 10,000 population or the sum of \$100 in~~
39 ~~towns over 10,000 in population, excepting any town~~
40 ~~wherein a larger fee was permitted by law on July 20,~~
41 ~~1939.~~

1 Sec. 4. 30 MRSA §2757 is amended to read:

2 §2757. Revocation or suspension of license; hearing;
3 appeal

4 A license issued under this subchapter and sec-
5 tion 3101 may be revoked if at any time the licensing
6 authority shall be satisfied that the licensee is un-
7 fit to hold the license. It shall have the right to
8 suspend and make inoperative for such period of time
9 as it may deem proper all the licenses mentioned for
10 any cause deemed satisfactory to it. The revocation
11 and suspension shall not be made until after investi-
12 gation and hearing, nor until the licensee shall have
13 been given opportunity to hear the evidence in sup-
14 port of the charge against him and to cross-examine,
15 by himself or through counsel, the witnesses, nor un-
16 til the licensee shall have been given an opportunity
17 to be heard. Notice of hearing shall be served on the
18 licensee or left at the premises of the licensee not
19 less than 3 days before the time set for the hearing.
20 The licensing authority, as designated in this sub-
21 chapter and section 3101, is specifically charged
22 with the duty of enforcing the provisions therein and
23 of prosecuting all offenders against the same. Appeal
24 from the decision of the licensing authority may be
25 had to the Superior Court in and for the county in
26 which the licensing authority is located, in the usu-
27 al manner provided for appeals from the District
28 Court. ~~Courts of competent jurisdiction, for due~~
29 ~~cause shown, may issue temporary orders restraining~~
30 ~~the enforcement of such revocations and suspensions,~~
31 ~~and after full hearing may vacate such temporary or-~~
32 ~~ders or make the same permanent.~~

33 STATEMENT OF FACT

34 The purpose of this bill is to provide that the
35 burden of licensing businesses will not fall on the
36 local property tax.

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