

MAINE STATE LEGISLATURE

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Date: 3/12/07

L.D. 55
(Filing No. H-18)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 53, L.D. 55, Bill, "An Act To Amend the Law Regarding a License To Operate an Attended Sales Promotion"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Law Regarding a License To Operate an Attended or Unattended Sales Promotion'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many agricultural fairs and other agricultural events take place in the spring and summer seasons; and

Whereas, the support of any show, promotion, display or educational program conducted for the purpose of enhancing any aspect of Maine agricultural industries is important to the Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29-A MRSA §957, sub-§3, as amended by PL 2001, c. 361, §27, is further amended to read:

3. Attended sales promotion. The Secretary of State may issue to a dealer a ~~30-day license~~ 90-day permit to operate an attended sales promotion at one or more locations inside this State. A request for an attended sales promotion must be submitted to the

COMMITTEE AMENDMENT

1 Secretary of State at least 48 hours before the proposed promotion ~~date~~ and must contain
2 the proposed promotion ~~date and location~~ dates. The promotion ~~and any use of a location~~
3 must comply with applicable building codes and zoning and land use ordinances. A new
4 vehicle dealer who requests a license permit under this subsection for a promotion
5 involving new vehicles may not locate the promotion outside that dealer's area of
6 responsibility as defined by the ~~dealers's~~ dealer's franchise agreement. A dealer who
7 operates an attended sales promotion at an agricultural fair or other agricultural event is
8 exempt from this subsection. An equipment dealer or trailer dealer is exempt from this
9 subsection if the sales promotion does not include motor vehicles and does not exceed 90
10 continuous days. The fee for a ~~30-day~~ 90-day attended sales promotion license permit is
11 ~~\$75 per location~~ \$150. The ~~license for a location permit~~ may be renewed ~~2 times in a~~
12 ~~calendar year~~.

13 **Sec. 2. 29-A MRSA §957, sub-§4**, as amended by PL 2001, c. 361, §27, is
14 further amended to read:

15 **4. Unattended sales promotion.** The Secretary of State may issue to a dealer a
16 license permit to operate an unattended sales promotion. A request for an unattended
17 sales promotion must be submitted to the Secretary of State at least 48 hours before the
18 proposed promotion ~~date~~ and contain the proposed promotion ~~date and location~~ dates and,
19 if applicable, a copy of a contract between the dealer and the promotion sponsor. The
20 promotion and any use of a location must comply with applicable building codes and
21 zoning and land use ordinances. A new vehicle dealer who requests a license permit
22 under this subsection for a promotion involving new vehicles may not locate the
23 promotion outside that dealer's area of responsibility as defined by the dealer's franchise
24 agreement. An equipment dealer or trailer dealer is exempt from this subsection if the
25 sales promotion does not include motor vehicles and does not exceed 90 continuous days.
26 The fee for an unattended sales promotion is:

- 27 A. Fifty dollars if the promotion runs 7 days or less;
28 B. One hundred dollars if the promotion runs between 8 and 60 days; or
29 C. One hundred fifty dollars if the promotion runs more than 60 days.

30 **Sec. 3. 29-A MRSA §957, sub-§5**, as enacted by PL 1997, c. 437, §26, is
31 amended to read:

32 **5. Penalty.** A person commits a Class E crime if that person conducts an activity
33 authorized by a license or permit under this section without obtaining that license or
34 permit.

35 **Emergency clause.** In view of the emergency cited in the preamble, this
36 legislation takes effect when approved.'

37 SUMMARY

38 The committee amendment replaces the bill and adds an emergency preamble and
39 emergency clause. This amendment extends the length of time allowed by an attended
40 sales promotion permit for dealers to show vehicles at expositions in the State from 30
41 days to 90 days. It also allows the permit to be used at any location in the State instead of
42 only one location.

COMMITTEE AMENDMENT "A" to H.P. 53, L.D. 55

1 The amendment also exempts equipment dealers or trailer dealers from the attended
2 and unattended sales promotion permit requirements if the sales promotion does not
3 include motor vehicles and does not exceed 90 continuous days.

4 **FISCAL NOTE REQUIRED**
5 (See attached)



123rd MAINE LEGISLATURE

LD 55

LR 253(02)

An Act To Amend the Law Regarding a License To Operate an Attended Sales Promotion

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Net Cost (Savings)				
Highway Fund	(\$1,180)	(\$1,575)	(\$1,575)	(\$1,575)
Revenue				
Highway Fund	\$1,180	\$1,575	\$1,575	\$1,575

Fiscal Detail and Notes

Changes in the permits for attended and unattended sales promotion will increase Highway Fund revenue collected by the Bureau of Motor Vehicles by \$1,180 in fiscal year 2007-08 and by \$1,575 for each fiscal year thereafter. Although the bill will reduce the number of permits issued, the fee increase is expected to produce a net gain in revenue.