

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1695

H.P. 1247

House of Representatives, December 23, 2011

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**An Act To Provide Additional In-store Space for Maine's Businesses  
by Removing License and Permit Posting Requirements**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative PRESCOTT of Topsham.  
Cosponsored by Senator RECTOR of Knox and  
Representatives: BENNETT of Kennebunk, McKANE of Newcastle, OLSEN of Phippsburg,  
VOLK of Scarborough, Senators: LANGLEY of Hancock, MARTIN of Kennebec, SNOWE-  
MELLO of Androscoggin.

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

2 **Sec. 1. 22 MRSA §1552-A**, as amended by PL 1997, c. 305, §1, is further  
3 amended to read:

4 **§1552-A. Production of license; notices**

5 **1. Production of licenses.** A licensee shall ~~publicly display~~ make available a copy  
6 of the license on the premises and on each machine to which the license applies or the  
7 owner's primary place of business for inspection by the commissioner, the  
8 commissioner's representatives and agents or authorized municipal officials.

9 **2. Display of prohibition against sales to juveniles.** All licensees shall post notice  
10 of the prohibition on tobacco sales to juveniles pursuant to section 1555-B. Notices must  
11 be publicly and conspicuously displayed in the licensee's place of business in letters at  
12 least 3/8 inches high. Signs required by this section must be provided at cost by the  
13 department. Any person who violates this subsection commits a civil violation for which  
14 a forfeiture of not less than \$50 nor more than \$200 may be adjudged for any one offense.

15 **Sec. 2. 22 MRSA §2167, first ¶**, as amended by PL 2003, c. 452, Pt. K, §15 and  
16 affected by Pt. X, §2, is further amended to read:

17 A person, firm, corporation or copartnership may not operate a food establishment, or  
18 a food salvage establishment or act as a salvage broker unless licensed for that purpose by  
19 the commissioner. In the case of retail food establishments, licenses issued must be  
20 displayed in a place visible to made available at the retail food establishment or at the  
21 person's, firm's, corporation's or copartnership's primary place of business for inspection  
22 by customers or other persons using a licensed the retail food establishment.

23 **Sec. 3. 28-A MRSA §604**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to  
24 read:

25 **§604. Production of licenses**

26 All licensees shall ~~publicly display~~ make available for inspection their licenses ~~on~~ at  
27 the premises to which they those licenses apply or at the licensees' primary places of  
28 business.

29 **Sec. 4. 30-A MRSA §3703** is enacted to read:

30 **§3703. Production of licenses or permits**

31 The municipal officers may not require a licensee or permittee to publicly display the  
32 licensee's or permittee's license or permit on the premises to which that license or permit  
33 applies. The municipal officers may require a licensee or permittee to make available for  
34 inspection the license or permit at the premises to which the license or permit applies or  
35 at the licensee's or permittee's primary place of business.

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**Sec. 5. 36 MRSA §1754-B, sub-§2,** as amended by PL 2009, c. 496, §17, is further amended to read:

**2. Registration certificates.** Application forms for sales tax registration certificates must be prescribed and furnished free of charge by the assessor. The assessor shall issue a registration certificate to each applicant that properly completes and submits an application form. A separate application must be completed and a separate registration certificate issued for each place of business. A registration certificate issued pursuant to this section is nontransferable and is not a license within the meaning of that term in the Maine Administrative Procedure Act. Each application for a registration certificate must contain a statement as to the type or types of tangible personal property that the applicant intends to purchase for resale and the type or types of taxable services that the applicant intends to sell, and each retailer registered under this section must inform the assessor in writing of any changes to the type or types of tangible personal property that it purchases for resale or to the type or types of taxable services that it sells.

If the retailer maintains a place of business in this State, the retailer shall make available a copy of the registration certificate ~~must be conspicuously displayed at~~ issued for that place of business at that place of business or at the retailer's primary place of business for inspection by the assessor, the assessor's representatives and agents or authorized municipal officials. If the retailer does not have a fixed place of business and makes sales from one or more motor vehicles, each motor vehicle is deemed to be a place of business.

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**SUMMARY**

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This bill eliminates the administrative burden of publicly displaying certain permits and licenses and the use of space for the display of those licenses and permits that could be otherwise used, including sales tax registration certificates, retail tobacco licenses, including those required to be displayed on tobacco vending machines, retail food establishment licenses, licenses for the sale of liquor and any license or permit issued by a municipality. Instead of displaying the license or permit, a licensee or permittee must make the license or permit available on demand at the premises or at the licensee's or permittee's primary place of business.