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

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

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

**4. Unattended sales promotion.** The Secretary of State may issue to a dealer a ~~license~~permit to operate an unattended sales promotion. A request for an unattended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion date and contain the proposed promotion ~~date and location~~dates and, if applicable, a copy of a contract between the dealer and the promotion sponsor. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a ~~license~~permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area

of responsibility as defined by the dealer's franchise agreement. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for an unattended sales promotion is:

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

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

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

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

Effective March 14, 2007