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

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

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

§ 1552-A. Production of license; notices

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

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

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

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

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

§ 604. Production of licenses

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

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

§ 3703. Production of licenses or permits

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

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.

SUMMARY

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.