



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	10/09/2019	<b>Department</b>	City Clerk
<b>Agenda Item</b>	4.6 Consider the adoption of FY20 Business/License Fees Schedule		
<b>Est. Cost</b>	n/a		

**Background Information**

The City Clerk has been conducting some research regarding the fees that the city has changed for business licenses and what is actually a minimum fee required by state statute.

Attached is a spreadsheet documenting the current fees for such licenses in the city, what is being proposed, the difference, how many of that particular license are issued, the proposed revenue and the difference of revenue in such changes. The business licenses marked with \*\*\* are set by state statute and must be adopted.

Also attached are the statutes that reference the type of license and fees. The City Council is also being asked to note Section 60: Additional Areas of Potential Municipal Licensing/Permitting- Under Home Rule Authority as the proposed list results in a decrease of \$170 of revenue.

City Clerk Gooldrup will be present to answer any questions regarding this proposal.

<b>Requested Action</b>	'I move to adopt the FY20 Business/License Fees Schedule as presented.'
<b>City Manager and/or Finance Review</b>	The City Manager recommends the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

# BUSINESS/EVENT LICENSE FEES

Fee Category	Current	Proposed	Difference	No.	Proposed Revenue	Difference
Doing Business As	\$10	\$10	\$ -	25	\$ -	\$ -
Special Event – Exhibitions & Shows (Minor)	\$50	\$50	\$ -	21	\$ -	\$ -
Special Event - Exhibitions & Shows (Major)	\$ -	\$100	\$100	10	\$ -	\$ -
Street Sellers (Annual)	\$50	\$50	\$ -	1	\$50	\$ -
Street Sellers (Hawkers & Peddlers/Per Event)	\$25	\$20	\$-5	0	\$ -	\$ -
Street Sellers (Farmers Market)	\$10	\$10	\$ -	0	\$ -	\$ -
Junkyards (<100 ft highway)***	\$200	\$200	\$ -	1	\$200	\$ -
Junkyards (> 100 ft highway)***	\$50	\$50	\$ -	0	\$ -	\$ -
Automobile Recycling Business (5-year)***	\$ -	\$50	\$50	0	\$ -	\$ -
Victualer (Annual)	\$50	\$50	\$ -	31	\$1,550	\$ -
Victualer (One Day – Festival)	\$25	\$25	\$ -	0	\$ -	\$ -
Victualer (Annual – Non-Profit)	\$5	\$10	\$5	2	\$20	\$10
Roving/On-Wheels/Lunch Wagon (Annual)	\$100	\$50	\$-50	2	\$100	\$-100
Roving/On-Wheels/Lunch Wagon (Non-Profit Annual)	\$ -	\$10	\$10	0	\$ -	\$ -
Roving/On-Wheels/Lunch Wagon (3-Day)(Event)	\$ -	\$10	\$10	0	\$ -	\$ -
Sales (Special, OOB, etc)	\$25	\$25	\$ -	1	\$25	\$ -
Beano/Bingo/Games of Chance (Annual)***	\$ -	\$10	\$10	2	\$20	\$20
Shooting Galleries	\$50	\$50	\$ -	0	\$ -	\$ -
Pawn	\$50	\$50	\$ -	1	\$50	\$ -
Tavern Keeper	\$25	\$25	\$ -	0	\$ -	\$ -
Liquor (1-50 seats)	\$75	\$75	\$ -	0	\$ -	\$ -
Liquor (51-100 seats)	\$100	\$100	\$ -	13	\$1,300	\$ -
Liquor (101+ seats)	\$150	\$150	\$ -	0	\$ -	\$ -
Catering Off-Premises (Liquor is served) (per event)	\$ -	\$10	\$10	1	\$10	\$ -
Special Amusement (Must hold a current liquor license)	\$75	\$25	\$-50	3	\$75	\$-150
Outside Consumption (Must hold a current liquor license)	\$25	\$25	\$ -	4	\$100	\$ -
Taxi/Vehicle for Hire	\$ -	\$50	\$50	1	\$50	\$50
<b>Totals</b>					<b>\$ 3,550</b>	<b>\$ -170</b>

\*\*\* Denotes: Set by State

## **1. Alcoholic Beverages (on premise consumption)**

**Statutes:** 28-A M.R.S.A. §§ 121, 123-124, 653, 654, 701, 1054; 30-A M.R.S.A. §§ 2528-2532

**Licensing Authority:** Municipal officers grant permit necessary to obtain licensure from Bureau of Liquor Enforcement.

**Fees:** \$10.00 or more if established by ordinance.

**License Expiration:** One year.

**Licensing Standards & Procedure:** In municipalities where the sale of liquor for on premise consumption is authorized (*see 28-A M.R.S.A. § 123* for options), all individuals or businesses interested in obtaining a new on-premises license, transferring the location of an existing on-premises license, or renewing an existing on-premises license, must submit an application to the municipal officers. The application form is prepared and supplied by the Bureau's Liquor Licensing and Compliance Division and may be obtained by calling 624-7220. The municipal officers *may* hold a public hearing on an application; public notice of the hearing must be published at the applicant's prepaid expense (*see 28-A M.R.S.A. § 653(1)(B)*) for notice requirements). An applicant for the renewal of an on-premises license may request a waiver of the hearing, so long as the applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time. The municipal officers may approve or deny the application on a variety of grounds (*see 28-A M.R.S.A. § 653, § 701*). The municipal officers' decision is appealable first to the Bureau and then to District Court. After the applicant obtains permission from the municipal officers, the applicant must obtain a license from the Bureau of Liquor Enforcement. If the municipal officers fail to take final action on an application for a new or transfer license within 60 days of the date filing the application, or on an existing on-premises license renewal within 120 days, the application is deemed approved and ready for action by the Bureau. In addition, where live music, dancing or other entertainment is performed, on premise licensees must obtain a special amusement permit from the municipal officers (*see 28-A M.R.S.A. § 1054 (see Section 53 of this handbook)*). Municipalities must adopt ordinances or authorize the municipal officers to establish written regulations governing special amusement permits. The denial, suspension or revocation of a special amusement permit is appealable first to the local board of appeals and then to Superior Court.

**Revocation Standards & Procedures:** *See 28-A M.R.S.A. §§ 802, 803*

**Additional Information:** Please see Legal Services' "Local Liquor Option" Information Packet for further information. A complete set of state statutes, rules and requirements pertaining to liquor regulation is available for a small fee from the Maine Bureau of Alcoholic Beverages and Lottery Operations, Liquor Licensing and Compliance Division (287-3721).

**Current fee:** \$75 (1-50 seats)  
\$100 (51-100 seats)  
\$150 (101+ seats)

**Recommend:** same

## **6. Bottle Clubs**

**Statutes/Regulations:** 28-A M.R.S.A. § 161 et seq.; 16-226 CMR Chapter 2

**Licensing Authority:** Must first obtain permission from the municipal officers, and must register annually with the Bureau of Alcoholic Beverages and Lottery Operations.

*(Note: Bottle Clubs, which are social establishments where members and guests bring their own liquor, are not considered "licensed establishments." They may be operated whether or not a local option election has first allowed them (see 28-A M.R.S.A. §§ 161-162).*

**Fee:** The annual state fee for registration of a bottle club is \$50.00.

**License Expiration:** One year.

**Licensing Standards & Procedures:** Prior to registration with the Bureau (§ 161) an owner or operator of a bottle club must apply to the municipal officers for permission to operate the bottle club or for transfer of location of an existing bottle club. Municipal officers may, after public notice and hearing, approve or deny the application on a variety of grounds. The notice, at the applicant's prepaid expense, must state the name and place of the hearing and must appear for at least three consecutive days before the date of the hearing in a daily newspaper having general circulation in the municipality or unincorporated place where the bottle club is located or for 2 consecutive weeks before the hearing date in a weekly newspaper having general circulation in the municipality or unincorporated place where the bottle club is located. In granting or denying an application, the municipal officers shall indicate the reasons for their decision and provide a copy to the applicant. An application may be denied on one or more of several grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime;
  - B. Noncompliance of the bottle club with any local zoning ordinance or other land use ordinance not related directly to liquor control;
  - C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the bottle club and caused by persons patronizing or employed by the bottle club or other such conditions that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the bottle club to use their property in a reasonable manner;
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law at or in the vicinity of the bottle club and caused by persons patronizing or employed by the bottle club;
  - E. A violation of any provision of Title 28-A;
  - F. In the case of corporate applicants, ineligibility or disqualification under 28-A M.R.S.A. § 601 of any officer, director or stockholder of the corporation; and
  - G. Location of the bottle club at any amusement area, beach or other area designed primarily for use by minors.
- Applicants aggrieved by the decision of the municipal officers may appeal to the Bureau. After public hearing, the Bureau may consider all of the requirements referred to above (*see 28-A M.R.S.A. § 161-B* for further information).

**Revocation Standards & Procedures:** N/A

**Additional Information:** A municipality may at any time hold an election, subject to the petition and referendum requirements for local liquor option elections, on whether to allow or continue to allow bottle clubs (28-A M.R.S.A. § 162).

**Current:** no fee

**Recommend:** no fee

### **11. B.Y.O.B. (Bring Your Own Bottle) Functions**

**Statutes:** 28-A M.R.S.A. § 163

**Permitting Authority:** A person may not hold a B.Y.O.B. function unless a permit is obtained from the Bureau of Liquor Enforcement.

**Permit Expiration:** End of function.

**Fee:** \$10 for each day the function is to be held.

**Permitting Standards & Procedures:** A person must apply for a B.Y.O.B. function (*special events where attendees bring their own liquor*) permit from the Bureau of Liquor Enforcement at least 24 hours prior to the proposed B.Y.O.B. function. A prerequisite for the permit is the written permission of the municipal officers as to the location of the function. Although the statute does not specify any reasons for denial, presumably the municipal officers may consider grounds similar to those available in the case of on premise license applications (*see 28-A M.R.S.A. § 653, § 654, § 701*). In granting or denying their approval, the municipal officers should indicate the reasons for their decision on the form provided by the Bureau of Liquor Enforcement.

**Revocation & Procedures:** N/A

**Additional Information:** See MMA's "Local Liquor Option" Information Packet.

**Current:** no fee

**Recommend:** no fee

### **53. Special Amusements**

**Statutes:** 28-A M.R.S.A. § 1054; 30-A M.R.S.A. § 2691

**Permitting Authority:** Municipal officers.

**Fees:** Established by ordinance.

**License Expiration:** One year.

**Licensing Standards & Procedures:** Before granting a permit and after reasonable notice to the municipality and the applicant, the municipal officers shall hold a public hearing at which testimony of the applicant and any interested members of the public shall be taken. The municipal officers shall grant a permit unless they find that issuance of the permit would be detrimental to the public health, safety or welfare, or would violate municipal ordinances, rules or regulations. The decision of the municipal officers shall be put into writing and made within 15 days of receiving the permit application. If the application is denied, the reasons for that denial shall be put into writing. The appeal procedure is detailed below.

**Revocation Standards & Procedures:** After notice is given to interested parties, the municipal officers shall hold a public hearing regarding permit revocation. The municipal officers may suspend or revoke any permit on the grounds that the music, dancing or entertainment permitted constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations. An applicant aggrieved by permit revocation, suspension or denial may appeal the decision to the municipal board of appeals, as defined in 30-A M.R.S.A. § 2691. The board of appeals may grant or reinstate the permit if there is a finding that the decision of the municipal officers was arbitrary and capricious or the permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal regulation.

**Additional Information:** Without the permit described above, no licensee for sale of liquor to be consumed on the premises may allow on the premises any live music, dancing or entertainment of any sort. "Entertainment" is defined as "any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensee whose incidental duties include activities with an entertainment value." 28-A M.R.S.A. § 1054(11) indicates that a municipality shall adopt ordinances or authorize the municipal officials to establish written regulations governing the issuance of special amusement permits, including provisions for standards of review, permit fees, classes of permits with the music, dancing or entertainment permitted under each class, the location and size of premises to which the permits may apply, required on-site facilities, the hours of operation, lighting levels, etc.

**Current:** \$75

**Recommend:** same

## **21. Eating Establishments**

**Statutes:** 22 M.R.S.A. § 2491 et seq. (*See also "Victualers" licensing below.*)

**Licensing Authority:** The Department of Health and Human Services, potentially with the assistance of the municipal health inspector when certified as qualified (for eating establishment inspection) by the Commissioner of Human Services. When the municipality requires additional licensing, the licensing authority must be established by municipal ordinance.

**Fees:** The maximum fees DHHS may charge are: \$100 for schools; \$60 for each inspection required by municipal ordinance; and \$300 for all other eating establishments.

These fees cover the license fee and three inspections. Additional inspections can cost up to \$100 per inspection.

**Additional Information:** A building or any part of the building used for public dancing purposes, either habitually or occasionally, must have posted at all times of dances a proper license obtained from the Commissioner of Public Safety. If the licensing is based on the inspections of a certified municipal inspector (*see "Licensing Standards & Procedures," below*), DHHS waives its license fee but requires the licensee to pay up to \$100 for the costs of mailing and handling the license. Presumably, municipalities can establish their own fees to cover DHHS licensing inspections (although DHHS cannot be charged any fee), as well as any local licensing or inspection requirements.

**License Expiration:** One year.

**Licensing Standards & Procedures:** Although inspection and licensing of eating establishments are generally under the jurisdiction of the Department of Health and Human Services, under 22 M.R.S.A. § 2499, municipalities may enact "...rules and regulations, ordinances or other code of standards for such establishments" which if approved by DHHS and which if "...consistent with the regulations used by (DHHS) for the issuance of such licenses in effect at the time of inspection" may be used as the basis for inspection by municipal inspectors, and DHHS licensing may then be based on such municipal inspection. DHHS, however, remains the licensing authority.

**Revocation Standards & Procedures:** According to DHHS regulation or as established by local rule, regulation or ordinance.

**Additional Information:** This overall licensing procedure does not exempt an eating establishment from "other state or local laws, ordinances or regulations..." (22 M.R.S.A. § 2499).

**Informational use for Victualers fee**

## **57. Victualers**

**Statutes:** 30-A M.R.S.A. § 3001 et seq.; formerly 30-A M.R.S.A. § 3811

**Licensing Authority:** Recent legislation repealed the municipal duty to license Victualers. However, a municipal ordinance may be adopted to regulate Victualers under "Home Rule Authority" (30-A M.R.S.A. § 3001 et seq.).

**Fees:** Established by ordinance.

**License Expiration:** Established by ordinance.

**Licensing Standards & Procedures:** Established by ordinance.

**Revocation Standards & Procedures:** Established by ordinance.

**Additional Information:** N/A

**Current:**           **\$50 (Annual)**  
                          **\$25 (One Day – Festival)**  
                          **\$5 (Non-Profit)**

**Recommend:**       **\$50 (Annual)**  
                          **\$25 (One Day – Festival)**  
                          **\$10 (Non-Profit)**

### **34. Lunch Wagons**

**Statutes:** 30-A M.R.S.A. § 3931

**Licensing Authority:** The municipal officers.

**Fees:** Set by municipal officers.

**License Expiration:** One year.

**Licensing Standards & Procedure:** Municipality may license any “reputable” person to maintain a vehicle for the sale of food in such part of any public way and during such hours as the licensing authority designates. No other license may be required to operate a lunch wagon. A license may not be issued if the lunch wagon will inconvenience public travel.

**Revocation Standards & Procedure:** The licensing authority may, for “reasonable cause,” revoke any license issued under § 3931.

**Additional Information:** N/A

**Current fee:**       **\$100 (Annual)**

**Recommend fee:**   **\$50 (Annual)**  
                          **\$25 (3-Day)**  
                          **\$10 (Non-Profit)**



## 7. Bowling Alleys, Shooting Galleries, Pool, Bagatelle & Billiard

**Statute:** 30-A M.R.S.A. § 3981

**Licensing Authority:** Municipal officers or designee.

**Fees:** Established by ordinance.

**License Expiration:** Established by ordinance.

**Licensing Standards & Procedures:** Effective May 1, 2014, 30-A M.R.S.A. § 3981 provides that a municipality may adopt an ordinance to establish licensing procedures, standards and appropriate fees to cover the costs of administration, regulation and enforcement of bowling alleys, shooting galleries and pool, bagatelle and billiard rooms.

**Revocation Standards & Procedures:** Established by ordinance.

**Additional Information:** The term “bagatelle” refers to any of various games involving the rolling of balls into scoring areas.

**Current fee:** \$50

**Recommend:** same

## 5. Beano & Bingo

**Statutes/Regulations:** 17 M.R.S.A. § 313; 16-222 CMR Chapter 3

**Licensing Authority:** Chief of State Police with consent of the municipal officers of the town or city in which it is proposed to operate such amusement.

**Fees:** Set by the state.

**License Expiration:** Set by the state.

**Licensing Standards & Procedures:** The application shall be on forms provided by the Chief of the State Police, shall be signed by a duly authorized officer of the organization to be licensed, shall contain the full name and address of the organization and the location where it is desired to conduct the amusement.

**Revocation Standards & Procedures:** The Chief of the State Police may suspend or revoke a license, after notice of the opportunity for a hearing, if the licensee or the licensee's agent or employee is in violation and may also "immediately suspend or revoke a license" under certain conditions (*see 17 M.R.S.A. § 317-A*).

**Additional Information:** N/A

**Current:** no fee

**Recommend fee:** \$10 Annual (Set by State)

## **28. Games of Chance**

**Statutes:** 17 M.R.S.A. § 1831 et seq.

**Licensing Authority:** Chief of State Police with prior consent of the municipal officers of the municipality in which the game of chance is to be operated or conducted. "Game of chance" means any game, contest, scheme or device in which:

A. A person stakes or risks something of value for the opportunity to win something of value;

B. The rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and

C. Chance enters as an element that influences the outcome in a manner that cannot be eliminated through the application of skill. Examples include but are not limited to a shuffle of a deck of cards, a roll of dice or a random drawing.

**Fees:** Set by the state.

**License Expiration:** Set by the state.

**Licensing Standards & Procedures:** An application to operate or conduct a game of chance shall be on forms provided by the Chief of the State Police. The application must be signed by a duly authorized officer of the organization. The application shall contain the full name and address of the organization, a full description of the game of chance, the location where the game is to be conducted and any other information deemed necessary by the Chief of the State Police for the issuance of a license to operate a game of chance.

**Revocation Standards & Procedures:** The Chief of the State Police may suspend or revoke such licenses (*see 17 M.R.S.A. § 1842*).

**Additional Information:** N/A

**Current:** no fee

**Recommend fee:** \$10 Annual (Set by State)

### **43. Pin Ball Machines**

**Statute:** 30-A M.R.S.A. § 3981

**Licensing Authority:** Municipal officers or designee.

**Fees:** Established by ordinance.

**License Expiration:** Established by ordinance.

**Licensing Standards & Procedures:** Effective May 1, 2014, 30-A M.R.S.A. § 3981 provides that a municipality may adopt an ordinance to establish licensing procedures, standards and appropriate fees to cover the costs of administration, regulation and enforcement of pinball machine arcades.

**Revocation Standards & Procedures:** Established by ordinance.

**Current:** no fee

**Recommend fee:** \$10 (Annual)

### **31. Innkeeper/Tavern Keeper/Lodging House**

**Statutes:** 30-A M.R.S.A. §§ 3811-3814

**Licensing Authority:** Municipal officers serve as the licensing board.

**Fees:** \$1.00 or more if established by ordinance.

**License Expiration:** One year.

**Licensing Standards & Procedure:** The licensing board must meet annually during the month of May on a date and at a time and place in the municipality that they determine or at any other time if necessary. Seven-day public notice of the meeting at which the licensing request is to be considered must be provided and posted in at least two public places in the municipality. The board may license as many persons of “good moral character” to be innkeepers or tavern keepers in the municipality as it considers necessary. The license must specify the building in which the business will be conducted and any licensing restrictions and regulations that it considers necessary.

**Revocation Standards & Procedure:** The board may revoke any license previously granted under this section as provided in 30-A M.R.S.A. § 3814. Generally, the licensing authority may suspend a license for any reason it finds satisfactory and for a period of time that it considers proper.

However, a license may not be revoked or suspended until an investigation and hearing have taken place and the licensee has been afforded his/her due process under law.

**Additional Information:** Although lodging houses may be licensed according to these procedures and standards, or according to procedures and standards established in local ordinances, the licensing of lodging houses is optional. An “innkeeper” is a person who owns or operates an establishment which provides lodging for transients. Such an establishment “does not lose its character (as an “inn”) because of its mode of construction, the appellation bestowed on it by the proprietor, or the fact that food and drink cannot be obtained therein or are available at the option of the guest”. (*See 43A Corpus Juris Secundum § 2 - Inns, Hotels, and Eating Places*).

**Current fee:**           **\$25 (Tavern Keeper Only)**

**Recommend fee:**    **\$25 (Innkeeper/Tavern Keeper/Lodging House)**

### **33. Junkyards & Automobile Graveyards/Automobile Recycling Business**

**Statutes/Regulations:** 30-A M.R.S.A. § 3751 et seq.; 29-A M.R.S.A. § 1101 et seq.; 17-229 CMR Chapter 202

**Permitting Authority:** Municipal officers.

**Fees:**

1. Graveyard or junkyard more than 100 feet from highway—\$50 for each permit, plus the cost of posting and publishing the notice under § 3754; and
2. Automobile recycling business—\$250 for a 5-year permit, plus the cost of posting and publishing the notice under § 3754; or
3. A fee as otherwise established by municipal ordinance or rule.

**License Expiration:** Graveyard or Junkyard: Maximum of one year, valid until the first day of October of the following year. Automobile Recycling Business: Five years from date of issuance.

**Licensing Standards & Procedures:** Permitting process involves mandatory public hearing given with posted and published notice. The municipal officers are required to post a notice of the hearing at least seven and not more than 14 days before the hearing in at least two public places in the municipality and publish a notice in one newspaper having general circulation in the area of the proposed junkyard or automobile graveyard. Permit, site review and site maintenance standards are supplied in § 3754-A and 17-229 CMR Chapter 202. The minimum set back from roadway right-of-ways for junkyards or automobile graveyards established after October 3, 1973 is 100 feet. If the facilities are not going to be entirely screened from view, the required set backs are 1,000 feet from Interstates or Primary Highway Systems and 600 feet from all other highway right-of-ways. No junkyard or automobile graveyard may be permitted to locate within 300 feet or within the view of any school, church, cemetery, public park, public playground or public bathing beach. The regulations pertaining to junkyards and automobile graveyards adopted by the Department of Transportation contain detailed screening and fencing provisions. In addition, a “recycler”—a person engaged in the business of purchasing or acquiring salvage vehicles for one of the several purposes stated in § 1101—requires a license (*see 29- A M.R.S.A. § 1101*).

**Revocation Standards & Procedures:** Established by ordinance.

**Additional Information:** Although the above-cited Maine law and regulations detail many review standards, municipalities are expressly authorized to enact more stringent regulations by ordinance. The term “automobile graveyard” is defined to mean a “yard, field or other area used to store three or more unserviceable, discarded, worn-out or junked motor vehicles...or parts of such vehicles”. Specifically excluded from the definition is any area used for temporary storage by a place of business primarily engaged in doing auto body repair-work to make repairs to render a motor vehicle serviceable. “Automobile recycling business” means “the business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.”

The term “junkyard” is defined as a “yard, field or other area used to store:

- 1) discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- 2) discarded, scrapped and junked lumber;
- 3) old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
- 4) garbage dumps, waste dumps and sanitary fills.”

See MMA’s Information Packet on “Junkyards and Automobile Graveyards” for further information.

**Current Fee:**        **\$200 (Junkyards (<100 ft Highway))**  
                             **\$50 (Junkyards (>100 ft Highway))**

**Recommend Fee:**    **\$200 (Junkyards (<100 ft Highway) Set by State**  
                                 **\$50 (Junkyards (>100 ft Highway) Set by State**  
                                 **\$250 (Automobile Recycling Business (5-year) Set by State**

## **42. Pawnbrokers**

**Statutes:** 9-A M.R.S.A. § 2-301; 30-A M.R.S.A. § 3960 et seq.

**Licensing Authority:** Municipal officers.

**Fees:** Established by ordinance.

**License Expiration:** One year.

**Licensing Standards & Procedures:** A license is to be issued to applicants of “good moral character” unless additional standards are provided by local ordinance.

**Revocation Standards & Procedures:** Revoked by municipal officers for violation of law (30-A M.R.S.A. §§ 3961-3965).

**Additional Information:** Pawnbrokers who operate without a state or municipal license commit a civil violation of law.

**Current Fee:** \$50

**Recommend Fee:** same

## **46. Public Exhibitions/Special Events**

**Statute:** 30-A M.R.S.A. § 3981

**Licensing Authority:** Municipal officers or designee.

**Fees:** Established by ordinance.

**License Expiration:** Established by ordinance.

**Licensing Standards & Procedures:** Effective May 1, 2014, 30-A M.R.S.A. § 3981 provides that a municipality may adopt an ordinance to establish licensing procedures, standards and appropriate fees to cover the costs of administration, regulation and enforcement of public exhibitions.

**Revocation Standards & Procedures:** Established by ordinance.

**Additional Information:** All traveling circuses, amusement shows or amusement devices are required to receive a license from the Commissioner of Public Safety. 8 M.R.S.A. §§ 471-476

**Current fee:** \$50

**Recommend:** \$50 (Minor: >100 people / >4 hours)  
\$100 (Major: <100 people / <4hours)

## **17. Dances**

**Statutes:** 8 M.R.S.A. § 161

**Licensing Authority:** Commissioner of public safety.

**Fees:** \$117.00.

**License Expiration:** One year.

**Licensing Standards & Procedures:** A public dance at which minors are admitted may not be held in any pavilion, hall or other building unless a law enforcement officer or, if permitted under local regulation or ordinance, a private security guard, is present during the dance and unless there are in such pavilion, hall or other building separate toilets for men and women. (*Dances conducted by and for students in public, private or state-owned school buildings or municipally owned buildings are excluded from these requirements*).

**License Revocation & Procedures:** N/A

## **56. Taxicabs/Vehicles for Hire**

**Statutes:** 30-A M.R.S.A. § 3009(1)(F)

**Licensing Authority:** Municipal officers have exclusive authority.

**Fees:** Established by municipal officers.

**License Expiration:** Established by municipal officers.

**Licensing Standards & Procedures:** Established by municipal officers.

**Revocation Standards & Procedures:** Established by municipal officers.

**Additional Information:** The municipal officers may regulate or establish a licensing authority, which may regulate rates of fare, routes and standing places of vehicles for hire, except where jurisdiction rests with the Public Utilities Commission. Municipalities may require an owner or operator of a vehicle for hire to carry a liability insurance policy in amount and form satisfactory to the licensing authority as a condition precedent to the granting of a license to operate.

**Current:** no fee

**Recommend:** \$50

## **60. Additional Areas of Potential Municipal Licensing/Permitting - Under Home Rule Authority**

*The following list—although not all-inclusive—suggests other potential areas of municipal regulation through “Home Rule Authority.” Many of the following areas are already regulated by state agencies/regulations:*

- Adult material sales
- Adult store retailer
- Advertising, handbills, etc.
- Boxing and wrestling
- Dealers in gold, jewelry, etc.
- Employment agencies
- Filling stations
- Flea markets
- Fuel pumps (for gasoline distribution)
- Garage maintenance
- Ice skating rinks
- Itinerant photographers
- Mass gatherings
- Massage establishments
- Massage therapists
- Newspaper vending machines
- Plays
- Public wagons and trucks
- Second-hand/used goods dealers
- Theaters/motion picture houses
- Tobacco & Victualers
- Waste haulers