

§1552. Application procedure

1. Application process; license fees. An applicant for an annual retail tobacco license shall file an application in the form required by the department. The department shall make provisions for applications under this section. The department shall determine annually by rulemaking the fee for a retail tobacco license, including the proration of an initial license that is issued for less than one year. The applicant shall enclose the fee with the application for the license. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 199, §1 (AMD).]

2. Term of license. All retail tobacco licenses are valid for a term beginning April 1st and ending the following March 31st, or in the case of an initial license issued after April 1st, for a term beginning on the date of issue and ending the following March 31st, unless suspended, revoked or not subject to the transfer under section 1553. Licenses that have been suspended or revoked may be reinstated, as permitted by the District Court decision issued under subchapter 2, upon the receipt of an application for reinstatement and payment of all penalties and an application fee of \$50. [PL 2009, c. 199, §2 (AMD).]

3. Multiple licenses. Except as provided in subsection 3-A, a licensee applying for licenses to operate more than one premises or more than one vending machine shall obtain a separate license for each premises and each machine and shall pay the fee prescribed for each premises and each machine. [PL 2005, c. 145, §1 (AMD).]

3-A. Seasonal mobile tobacco vendor license. An applicant who is a seasonal mobile tobacco vendor may purchase a single annual license authorizing that vendor to operate at 2 or more agricultural fairs, festivals or exhibitions held during the agricultural fair season. A license issued under this subsection must clearly specify the name and location of each fair, festival or exhibition at which the licensee is authorized to operate and, for each location, the specific dates and number of machines for which the licensee is authorized. A licensee may not operate at any agricultural fair, festival or exhibit except as specifically provided in that license. A seasonal mobile tobacco vendor license expires upon the conclusion of the agricultural fairs, festivals or exhibitions for which it was issued. Upon issuing a license under this subsection, the department shall immediately provide the information required by this subsection to the Office of the Attorney General for purposes of inspection and enforcement. [PL 2009, c. 199, §3 (AMD).]

4. Application fees. All application fees must be deposited in the Health Inspection Program account, which is an Other Special Revenue Funds account in the Maine Center for Disease Control and Prevention, to be used by the department to defray administrative costs for retail tobacco licensure. [PL 2017, c. 284, Pt. CCCC, §1 (AMD).]

5. False answer given intentionally. A person who intentionally gives a false answer in an application for a retail tobacco license violates Title 17-A, section 453. [PL 1995, c. 470, §9 (NEW); PL 1995, c. 470, §19 (AFF).]

SECTION HISTORY

PL 1995, c. 470, §9 (NEW). PL 1995, c. 470, §19 (AFF). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 673, §CC1 (AMD). PL 2005, c. 12, §TT1 (AMD). PL 2005, c. 145, §§1,2 (AMD). PL 2009, c. 199, §§1-3 (AMD). PL 2017, c. 284, Pt. CCCC, §1 (AMD).

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