



City of Caribou, Maine

*Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954*

AGENDA Caribou Planning Board Regular Meeting Thursday September 7, 2023, at 6:00 p.m.

The meeting will be broadcast on Cable Channel 1301 and the City's YouTube Channel.
Public Comments submitted prior to the meeting no later than 4:00 pm on Thursday, September 7, 2023, will be read during the meeting. Send comments to City Manager Penny Thompson at pthompson@cariboumaine.org.

- | | | |
|-------|---|--------------|
| I. | Call Meeting to Order, Determine Quorum, disclosure of conflicts of interest | |
| II. | Public Hearings – none | <u>Pages</u> |
| III. | Approval of minutes | |
| a. | Review and approval of August 3, 2023, Planning Board Meeting Minutes | 02-03 |
| IV. | City Council Liaison Updates | |
| V. | New Business | |
| a. | Site design review – Kip Griffin 960 Access Highway | 04-98 |
| b. | Looking ahead to projects in the pipeline | 99 |
| VI. | Old Business | |
| a. | Blight – research from last meeting | 99 |
| b. | Comprehensive Plan – August 31 workshop (Economy), September 28 (Public Facilities) | |
| c. | Update on grant funded projects | 100-101 |
| d. | PL 2021, ch. 672 (LD2003) and PL 2023, ch. 192 (LD 1706) | 102 |
| VII. | Staff Report | 103 |
| VIII. | Adjournment | |



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www.cariboumaine.org

Caribou Planning Board Meeting Minutes Thursday, August 3, 2023 @ 6:00 pm City Council Chambers

Members Present: Frank McElwain, James Belanger, Eric Hitchcock, Justin Staples, David Corriveau

Members Absent: Amanda Jandreau, Steve Wentworth

Others in Attendance: Council Liaison Dan Bagley, Staff/City Manager Penny Thompson

I. Call Meeting to Order, Determine Quorum

Chairperson Frank McElwain called the meeting to order at 6:13 pm, a quorum was present.

II. Public Hearings

None.

III. Approval of minutes

The minutes of June 8, 2023, were reviewed.

Motion by Eric Hitchcock to approve minutes, seconded by James Belanger

Roll Call Vote:

Eric Hitchcock – Yes; David Corriveau – Yes; Frank McElwain – Yes; James Belanger – Yes; Justin Staples – Yes. Passed by majority vote.

IV. Council Liaison Update

- Dan Bagley provided updates for the dangerous buildings, fighting blight, and municipal budget.

V. New Business

- a. Blight issues including structures with fires:
Penny Thompson presented a list of “tools” that the city has available to use when working with these issues.
 - Local ordinances / chapter 4 and 13 of the Caribou ordinance
 - State of Maine statutes
 - International Property Maintenance Codes
- b. LD 1706 (formerly LD 2003):
 1. This will be coming back. Discussion – forward questions about “Home Rule” to MMA.
 2. The city will have to adopt changes to the ordinance that have to do with density and residential units.
 3. Enforcement of septic systems if there are units added in rural areas.
 4. LD 1706- has delayed the time when municipalities need to start enforcement. Caribou now has until January 1st.
 5. MMA / DECD to help rewrite ordinances.
 6. The state will reimburse the towns/cities for expenses related to making these changes.
 7. Need more “teeth” in the ordinance.

- c. Looking ahead to projects in the pipeline & following what people are talking about:
 - 1. Probable dog boarding kennel/grooming business
 - 2. Possible mobile home park
 - 3. Spud Speedway / short term rentals
 - 4. Caribou police station
 - 5. Aroostook Band of Micmacs Community Center building
 - 6. Caribou Cabins expansion

VI. Old Business

- a. Schedule a 2024 Comprehensive Plan Workshop for August on – Economy.
- b. Schedule a 2024 Comprehensive Plan Workshop for September on – Public Facilities and Services.

VII. Staff Report – by Penny Thompson, City Manager

- a. City manager reports were given.
- b. A notice was provided from the Maine Supreme Judicial Court to urge De Novo review of CEO decisions.
- c. A list showing the status of legislative updates was provided.
- d. Brownfields 2023 – Perfect Pitch was provided.

VIII. Next Meeting

- a. June 22, 2023, at 6:00 pm at the Caribou Wellness Center
- b. July 13, 2023, at 6:00 pm at the Caribou City Council Chambers

IX. Adjournment

Motion by David Corriveau to adjourn, seconded by Eric Hitchcock

Roll Call Vote:

Eric Hitchcock – Yes; David Corriveau –Yes; Frank McElwain - Yes; James Belanger – Yes; Justin Staples - Yes. Passed by majority vote.

Meeting Adjourned 7:14 pm.

Respectfully Submitted,

James Belanger
Planning Board Secretary

JRB/JK

**CARIBOU ADMINISTRATION
25 HIGH STREET
CARIBOU, ME. 04736**



MEMO

To: Planning Board members
From: Penny Thompson, City Manager
Date: September 7, 2023
Re: Kip Griffin Automobile Recycler License

Mr. Griffin operates an automotive business at 960 Access Highway and at 64 High Meadow Road in Perham.

History: In 2017, Mr. Griffin applied for a Recycler License in Caribou and the request was denied. Therefore, he worked with the town of Perham to operate an automobile recycler business to serve his used car lot in Caribou. State law requires that Mr. Griffin spend a minimum of five 6-hour days at both his primary (Perham) and secondary (Caribou) location to follow state law. He operates this as a single operator, so it is impossible to repair, sell and operate the business and be in full compliance.

Mr. Griffin is working with the state to make Caribou his primary location for the recycling business and then the Perham location would not need to be licensed as a secondary location and therefore there would be no minimum requirement for hours. Mr. Griffin would be able to work his hours in Caribou. Mr. Griffin will still store vehicles in Perham and bring the cars to Caribou for repair or disassembly. Disassembled vehicles are taken back to Perham.

The goal of this action is to allow Mr. Griffin to operate his businesses and comply with state law.

The City can approve with conditions. One condition would be that vehicles must be drained before transportation to the Caribou location.

Suggestion:

This would be an initial review of this application.

Please let me know what information from the Concept Plan Review Requirements and Final Review Requirements would be needed to move this forward to a public hearing.

The following 17 pages were
submitted by Kip Griffin.



City of Caribou Site Design Review Application

Planning & Code Enforcement
25 High Street
Caribou, Maine 04736
(207) 493-5967
kmurchison@cariboumaine.org

Site Design Review will be scheduled only after the Code Enforcement Officer and/or Planning Board has determined that the application is complete, and all necessary information to review the proposal and render a decision has been provided by the applicant. Applicants are advised to meet with the Code Enforcement Officer prior to submitting the application for review. For applications that must be approved by the Planning Board, the review process includes at least one (1) presentation to the Planning Board, and possibly additional presentations, until all required information has been provided. Applicant may be required to tender a performance guarantee prior to, or as a condition of, project approval.

Note to Applicant: Complete this application and return it with the required documents. In addition, the required non-refundable fee must be returned along with this completed application. Make checks payable to: "City of Caribou", in the amount of \$90.00 plus \$10.00 per 2000 square feet of total gross floor area for commercial, industrial or other non residential applications. Please refer to Section 13-300 Site Design Review Ordinance for further details concerning requirements and submission/approval processes.

Please print or type all information

Name of Property Owner / Developer: Kip Griffin
Development Name: Griffin used Auto
Location of Property (Street Address): 960 Access Highway Caribou
City of Caribou Tax Map: 15 Lot: 70 Zone: R-3

Applicant Information

Brief description of project:

to Repair salvage cars.

Person and address to which all correspondence regarding this application should be sent:

Name: Kip Griffin Phone: 207-0944

Address: 04 Highman Rd E-mail: _____

City, State, Zip: Perham ME 04766

If applicant is a corporation, check if licensed in Maine (Attach copy of Secretary of State Registration) ☐ Yes ☒ No ☐ N/A

Name of Land Surveyor, Engineer, Architect or other Design Professionals. (attach list if needed)

Phone: _____

Phone: _____

What legal interest does the applicant have in property to be developed (ownership, owners representative, option, purchase & sales contract, etc?)

(Attach supportive legal documentation)

General Information

Aroostook County Registry Deeds: Book # 5493 Page # 30 (attach copy of deed)

What interest does the applicant have in any abutting property? no

Is any portion of the property within 250 feet of the normal high water line of a lake, pond, river, or wetland or within 75 feet of any stream? ☐ Yes ☒ No

Is any portion of the property within a Flood Hazard Zone? ☐ Yes ☒ No

Total area or acreage of parcel: 2.5 Total area or acreage to be developed: _____

Has this land been part of subdivision in the past five years? ☐ Yes ☒ No

Identify existing use(s) of land (farmland, woodlot, residential, etc.)

used car lot

Are there restrictive covenants in the deed, or to be placed in the deed (attach list) ☐ Yes ☒ No

Does the applicant propose to dedicate any recreation area, or common lands? ☐ Yes ☒ No

Recreation area(s) Estimated Area & Description: _____

Common land(s) Estimated Area & Description: _____

Anticipated start date for construction: Month / Year ____/____ Completion: ____/____

Does any portion of the proposal cross or abut an adjoining municipal line? ☐ Yes ☒ No

Does this development require extension of public services? ☐ Yes ☒ No

Roads: ☐ Storm Drainage: ☐ Sidewalks: ☐ Sewer Lines: ☐ Other: ☐

Estimated cost for infrastructure improvements: \$ _____

Water Supply: Private Well: ☒ Public Water Supply: ☐ None: ☐

Sewage Disposal: Private SSWD: ☒ Public Sewer: ☐ None: ☐

Estimated sewage disposal gallons per day: (_____/day)

Do the plans require review by the State Fire Marshal Office? ☐ Yes ☒ No
(Attach Barrier Free and Construction Permits from SFMO)

Have the plans been reviewed & approved by the Caribou Fire Chief? ☒ Yes ☐ No

Does the building have an automatic sprinkler system? ☐ Yes ☒ No ☐ N/A

Does the building have an automatic fire detection system? ☐ Yes ☒ No ☐ N/A

Will the development require a hydrant or dry hydrant fire pond? ☐ Yes ☒ No

Concept Plan Review Requirements

At the request of the applicant, the Code Enforcement Officer or Planning Board may review the application first as a Concept Plan. Concept Plan Review is intended to ensure that the proposed plan is in conformance with the Caribou Comprehensive Plan and all City ordinances. If the application must be approved by the Planning Board, the completed application and Concept Plan must be delivered to the Code Enforcement Office no less than 21 days prior to the next scheduled meeting of the Planning Board, in order for it to be considered during that meeting. Concept Plan Review applications must include the following items:

1. _____ Name and address of the owner of record and applicant (if different).
2. _____ Name of the proposed development and location.
3. _____ Names and addresses of all property owners within 500 feet of the property.
4. _____ A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.
5. _____ Names and addresses of all consultants working on the project.

6. _____ 1 complete set of plans, delivered in Adobe Acrobat, high-resolution .pdf file(s)

Plans to be included:

Boundary Survey
Storm Water Management
Erosion and Sediment Control
Finish Grading Plan
Site Improvement Detail
Building Elevations and Structural Plans

7. _____ Plans to show the following elements for review:

- _____ a. Graphic scale and north arrow.
- _____ b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.
- _____ c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.
- _____ d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.
- _____ e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
- _____ f. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.
- _____ g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.
- _____ h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.
- _____ i. Conceptual treatment of on and off site storm water management facilities.
- _____ j. Location and sizes of existing and proposed sewer and water services including connections.
- _____ k. Conceptual treatment of landscaping buffers, screens, and plantings.
- _____ l. Location of outdoor storage areas, fences, signage and accessory structures.
- _____ m. Context map illustrating the area surrounding the site that will be affected by the proposal, including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan.
- _____ n. All proposed signage and exterior lighting, including the location, size and wording of all signs, type of exterior lights, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot- candles of all exterior lights. If no signage or exterior lighting is proposed, state "n/a."

Final Plan Review Requirements

Upon determination that the application is complete, the Code Enforcement Officer or Planning Board (by majority vote) will schedule a Final Plan Review. If additional information or changes are required by the Code Enforcement Officer or Planning Board following a Concept Plan Review (if applicable), a complete set of revised plans must be provided for the Final Plan Review. If the application must be approved by the Planning Board, plans must be delivered to the Code Enforcement Office at least 21 days prior to the next scheduled Planning Board meeting, in order to be considered during that meeting.

Final Plan Review requires three (3) 24" X 36" sets of plans. If the application must be approved by the Planning Board, an area designated for all seven (7) Planning Board Member signatures must be provided on the plans. Otherwise, an area designated for the Code Enforcement Officer signature must be provided.

If the Code Enforcement Officer or Planning Board determines that a third party review is necessary to make a sound decision, the applicant will be responsible for any fees incurred for the third party review.

During the Final Plan Review, the Code Enforcement Officer or Chairman of the Planning Board (or designee) ensures that all elements of review 7-a. through 7-n. above, and all criteria of the Final Plan Review A. through AA. below have been addressed. If the application must be approved by the Planning Board, then the Chairman may call for a motion to Approve, Approve with Conditions, Deny, or Table the application. Otherwise, the Code Enforcement Officer renders a decision, based on his/her review.

If the Final Plan is approved by the Code Enforcement Officer or Planning Board, no work may commence for a period of 30 days following the date of approval, to allow sufficient time for potential appeal(s) to the decision.

A request to the Planning Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The Planning Board may conduct additional hearings and receive additional evidence and testimony, as provided.

To the best of my knowledge, all of the information submitted in this application is true and correct.

Signature of Applicant: _____



Date: _____

8/17/23

Final Plan Review application was determined to be complete on:

Date: _____

Final Plan Review	Date: _____	<u>Yes</u>	<u>No</u>	<u>N/A</u>
A. Conformance with Comprehensive Plan		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Traffic		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Site Access		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Parking & Vehicle Circulation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Pedestrian Circulation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
F. Site Conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Open Space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Sanitary Sewage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Emergency Vehicle Access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K. Waste Disposal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L. Buffering	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Natural Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N. Exterior Lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O. Stormwater Management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P. Erosion & Sediment Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q. Buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R. Existing Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S. Infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T. Advertising Features	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
U. Design Relationship to Site & Surrounding Properties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
V. Scenic Vistas & Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
W. Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X. Mineral Exploration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y. Phosphorus Export	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Z. General Requirements (ref 13-700)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AA. Access Management, Off-Street Parking, Loading, and Road Design and Construction (ref 13-710)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

City of Caribou, Maine

Site Design Review

Site Design Review for: _____

Address: _____

Decision by the Caribou Code Enforcement Officer

On _____ (date) the Code Enforcement Officer conducted the Final Plan Review for the property or project referenced above.

The application was: ☐ **Denied** ☐ **Approved** ☐ **Approved with Conditions**

Signed: _____ Code Enforcement Officer

Decision by the Caribou Planning Board

On _____ (date) the members of the Caribou Planning Board conducted the Final Plan Review for the property or project referenced above.

The application was: ☐ **Denied** ☐ **Approved** ☐ **Approved with Conditions**

Signed: _____ Planning Board Chairman

_____ Planning Board Member

_____ Planning Board Member

_____ Planning Board Member

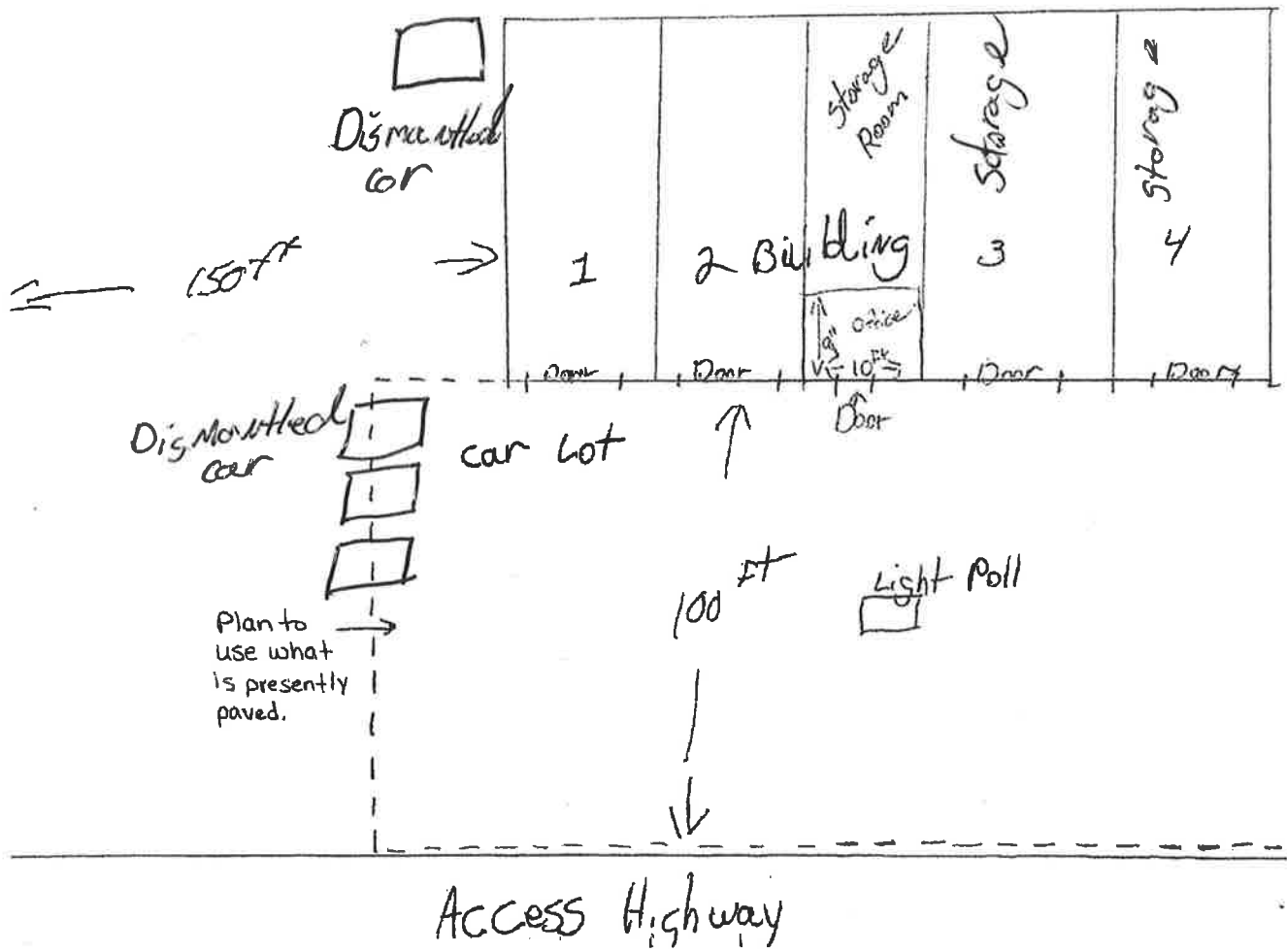
_____ Planning Board Member

_____ Planning Board Member

_____ Planning Board Member

Condition(s) of Approval:

Reason(s) for Denial:





*Department of
the Secretary of State
Bureau of Motor Vehicles*

Dear Prospective Applicant:

Enclosed is a copy of the requirements pertaining to recyclers and scrap processors, together with the proper application forms. Compliance with these requirements is necessary before you may be issued a State Recycler License.

The rules governing recyclers and scrap processors licensing and the requirements that must be met can be found on the State of Maine website at:

<https://www.maine.gov/sos/cec/rules/29/250/250c103.docx>

If you have any questions concerning the application material, please do not hesitate to contact Dealer Licensing at (207) 624-9000 Ext. 52143, by email at: Dealerlicensing.bmv@maine.gov or by mail to: Secretary of State, Bureau of Motor Vehicles, Dealer Licensing, 29 State House Station, Augusta, Maine 04333-0029.

Sincerely,

A handwritten signature in cursive script, reading "David W. Guilmette".

**David W. Guilmette
Director, Office of Investigation
& Dealer Licensing**



**STATE OF MAINE
BUREAU OF MOTOR VEHICLES
DEALER LICENSING**

Information for Recycler License Applicants

In order for the Secretary of State to issue a recycler license, the applicant shall:

- File the proper application and total fees to include the filing fee and licensing fee. If for some reason the license is not issued, the license fee will be rebated. The filing fee is nonrefundable by law.
- Complete a questionnaire and have it properly notarized.
- On the recycler zoning form provided for this purpose, furnish proof of compliance with building codes, zoning and land use ordinances. The form must be signed by an official of the city/town where the business is being licensed, and the official's signature must be notarized.
- Submit a \$21.00 fee for our office to process a Maine State Police SBI background check to determine if there are any criminal records filed against any owners or corporate members.
- *If the applicant is an individual owner*, you must register your DBA with the city/town office in the municipality where the business is located.
- *If the business is a partnership*, submit a copy of the partnership agreement which must list the percent of ownership of each partner. Before it is submitted, the papers must be recorded at the city/town office in the municipality where the business is located.
- *If the business is a corporation*, submit a copy of the Articles of Incorporation from the State of Maine, or in a case of a foreign corporation, proof of authority to conduct business in Maine. In both cases, we also require a separate letter signed by the corporate clerk listing the names, titles, and percent of ownership of all members of the corporation. In addition, if the applicant intends to operate under an assumed name (or DBA), then an application for assumed name must be filed with the Bureau of Corporations, Elections and Commissions. They can be reached at (207) 624-7752.
- In addition to the copies of your organizational documents from the Bureau of Corporations, Elections and Commissions. You must provide a sworn affidavit (**must be notarized**) that includes the names, titles, and percentage of ownership of all involved in the business.
- *If the facility is not owned by the applicant*, submit a copy of the lease agreement. Requirements of the lease agreement are as follows: must include size of lot, size of building, size of office, size of repair area, must be signed by both the lessee and lessor and both signatures must be properly witnessed or notarized.
- Submit verification of registration through the National Motor Vehicle Title Information System (NMVTIS).
- Submit a copy of the plot plan. (Please include measurements)
- Obtain a sales tax number by contacting the Maine Revenue Services at (207) 624-9693.

Your application will be submitted to an inspection of the facility by a Bureau of Motor Vehicle Detective to determine that the facility meets at least the minimum requirements for the type of license you are requesting. Once a favorable report is received and approved, the recycler license will be issued.

All dealer licenses expire on the last day of the month, one year from issuance.

**Bureau of Motor Vehicles
Application for a Dealer License**

Office Use

Type:

- ☐ New Application
 ☐ Additional License Type
 ☐ Annex Location
 ☐ Secondary Location
☒ Change of Status
 ☐ Change of Location
 ☐ Other (Specify) _____

Owner (s) Name Kip Griffin Cell Number 227-0944
 DBA (If Applicable) _____
 Business Name Griffin Used Autos Phone Number 227-0944
 E-mail Address: _____ Fax Number _____

Business Physical Location Caribou
 City or Town Caribou Zip Code 04736
 Business Mailing Address 960 Access Highway Caribou
 City or Town Caribou Zip Code 04736
 Sales Tax Number 117 9635 Federal ID Number _____
 Franchise(s) Held _____

Please list any annex or secondary location(s) where business will be conducted under same license:

Location Perham Phone Number 227-0944
 Location _____ Phone Number _____

In the columns below please check off the types of licenses you are applying for and enter the appropriate fee.
Total the far-right column and enter the amount at the bottom.

Types of Licenses / Fees	License	License Fee	Total Fee
New Car Dealer License		\$150.00 ea.	
Used Car Dealer License		\$150.00 ea.	<u>150</u>
Loaner License		\$150.00 ea.	
Equipment Dealer License		\$150.00 ea.	
Transporter License		\$150.00 ea.	
Recycler License		\$150.00 ea.	<u>150⁰⁰</u>
Auction License		\$150.00 ea.	
Heavy Trailer License (over 3,000 lbs.)		\$150.00 ea.	
Light Trailer License (3,000 lbs. or less)		\$50.00 ea.	
Motorcycle Dealer License		\$50.00 ea.	
Annex License		\$150.00 ea.	
Secondary Location		\$100.00 ea.	<u>100⁰⁰</u>
SBI Background Check (Per Owner, Partner, or Officer)		\$21.00 ea.	
Filing Fee - If you are applying for a new license, changing a business location, or changing ownership or corporate structure.		Add \$150.00	
TOTAL (Total Amount from Back and Front)			<u>550⁰⁰</u>

Please list below the name, address, date of birth, and title of each owner, partner, or officer in your business.

<u>Kip Griffin</u>	<u>64 High Meadow Rd</u>	<u>4/2/65</u>	<u>owner</u>	<u>100⁰⁰</u>
Name	Address	Date of Birth	Title	% of Ownership
Name	Address	Date of Birth	Title	% of Ownership
Name	Address	Date of Birth	Title	% of Ownership
Name	Address	Date of Birth	Title	% of Ownership

Primary contact person: Kip Griffin Contact phone number: 222-0944

Is your business: (Check One)

☒ Individual

☐ Partnership

☐ Corporation (LLC)

If a corporation, what state are you incorporated in? _____

Within the past (5) five years, have you or any partner, director or officer of your business been found guilty of any:

1. Felony Yes ____ No ☒

2. Criminal violation under Title 29-A or Title 17-A Yes ____ No ☒

3. Any civil judgment involving fraud, misrepresentation or conversion Yes ____ No ☒

If yes to any give location, date and violation _____

Write the number of plates you need to match the type of license you applied for on the front of this application.
Multiply the number of plates times the plate fee, enter the amount in the far-right column and total the column.

Type of Plate	No. of Plates	Plate Fee	Total Fee
New Car Dealer Plate		\$20.00 ea.	
New Car Dealer Vanity Plate		\$50.00 ea.	
New Car Loaner Vanity Plate		\$50.00 ea.	
Used Car Dealer Plate		\$20.00 ea.	<u>80.00</u>
Loaner Plate		\$20.00 ea.	
Equipment Dealer Plate		\$20.00 ea.	
Transporter Plate		\$20.00 ea.	
Heavy Trailer Dealer Plate (over 3,000 lbs.)		\$20.00 ea.	
Light Trailer Dealer Plate (3,000 lbs. or less)		\$5.00 ea.	
Motorcycle Dealer Plate		\$5.00 ea.	
Light Wrecker Plate (26,000 lbs. or less)		\$50.00 ea.	
Heavy Wrecker Plate (80,000 GVW or less)		\$200.00 ea.	
Service Vehicle Plate New or used car only		\$50.00 ea.	
Equipment Service Vehicle Plate		\$50.00 ea.	
TOTAL (carry total to front side)			

Signature of Owner [Signature]

Owner owner
Official Title

Date 8/18/23

To process this application, the Owner's Signature is required.

Add the total fees on both sides of this sheet and send your check, made payable to the Secretary of State, to:
Bureau of Motor Vehicles, Dealer Licensing, 29 State House Station, Augusta, Maine 04333. Payment may be made by credit card:

Type: ☐ Visa ☐ Mastercard ☐ Discover ☐ American Express

Number: _____ Expiration Date: _____ Zip Code: _____

Name on Credit Card: _____

If you have any questions, please contact Dealer Licensing

Ph: (207) 624-9000 Ext. 52143 / Fax: (207) 624-9126 / Email: DealerLicensing.BMV@Maine.gov

Applicant Questionnaire for the Licensing of Dealers, Transporters, Loaners or Recyclers

Type:

- ☐ New Application ☐ Additional License Type ☐ Annex Location ☐ Secondary Location
☒ Change of Status ☐ Change of Location ☐ Other (Specify) _____

Owner Name Kip Griffin Phone Number 227-0944

Business Name Griffin Used Auto Phone Number 227-0944

Business Physical Location 960 Access Highway Caribou

City or Town Caribou Zip Code 04736

Business Mailing Address 960 Access Highway Caribou

City or Town Caribou Zip Code 04736

What type of business are you licensing? used car or Recyclers

Section I: Please answer each question by check marking either Yes or No.

- Is there now or was there previously a licensed dealership at your location? ☒ Yes ☒ No
If Yes please supply name of dealership: _____
If Yes, were you an owner of this dealership? ☐ Yes ☒ No
- Is there any other business at this location? ☐ Yes ☒ No
If Yes, what is the name and type of this business? _____
- Do you own that business? ☐ Yes ☐ No
- What days and hours is your business open? 8 to 3
- Do you currently have ownership in any other dealership? ☐ Yes ☐ No
If Yes, please list the dealership(s) name and license types and numbers:

Dealership(s) Name

License Type & Number

Section II: These questions ask about your established place of business:

- Is your business located in a permanently enclosed commercial building? ☐ Yes ☐ No
- Is your business located on one parcel of land? ☒ Yes ☐ No
- Do you own the property & buildings? ☒ Yes ☐ No
- Do you lease the property & buildings? ☐ Yes ☒ No
(If Yes, enclose a copy of the lease)

Section III: These questions ask about your display/repair area:

NOTE: Recyclers/Salvage only are exempt

- Does your business have at least 5,000 sq. ft. of display area in or adjoining the building? ☒ Yes ☒ No
- Do you lease your repair facility? If so, a copy of that lease must be provided to BMV. ☐ Yes ☒ No
- Do you lease your repair facility to a Maine Inspection Technician? ☐ Yes ☒ No ☐ N/A
- If you lease your repair facility, do you have a minimum 2' x 3' sign stating that any repair work done on site for the dealership will be performed by the technician leasing the space? ☐ Yes ☐ No ☐ N/A
- Does the sign contain the technician's address and telephone number? ☒ Yes ☐ No ☐ N/A
- Do you have the tools and equipment needed to repair and service vehicles properly? ☒ Yes ☐ No
- Do you have an air compressor? ☒ Yes ☐ No
- Do you have a hydraulic jack or lift? ☒ Yes ☐ No
- Do you have a full set of mechanics tools? ☒ Yes ☐ No
- Does the owner or an employee work as a mechanic at least 30 hrs. per week? ☒ Yes ☐ No

Section IV: These questions ask about your business office:

- | | |
|---|---|
| 1. Do you have an office with at least 64 sq. ft. to keep records and conduct business? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is your office heated? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does your office have at least 1 desk, 2 chairs, and a filing cabinet? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Is your office completely enclosed by floor to ceiling construction? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. Is your office separate from any living quarters? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Is your office located in or adjoining your business building? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Section V: These questions ask about your business sign:

- | | |
|---|---|
| 1. Is your business identified by an exterior sign? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is the sign permanently affixed to land or building? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Is the sign readable at a distance of 200 feet? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Is the sign at least 12 square feet in size? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. What does the sign say? <u>Garage used Auto</u> | |

Section VI: If you are applying for a recycler dealer license, you must also complete the last set of questions by checking Yes or No to each question below.

- | | |
|--|---|
| 1. Is there a storage area in or adjoining the building? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is the business within 1,500 feet of a state or federally owned cemetery? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Did your salvage yard exist before December 5, 1983?
If No, what date did your salvage yard begin? _____ | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Is this an expansion of an existing salvage yard? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Do you maintain a business inventory of all vehicles, component parts, body, chassis, or transmissions that are received or disposed of as required by law? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

5a. Explain your record keeping procedures: Filing cabinet

- | | |
|--|---|
| 6. Are you currently a licensed dealer in Maine? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Are you currently a licensed dealer in any other state? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

[Signature]
Signature of Applicant

owner
Title

8/18/23
Date

Notarization Required

Before me personally appeared _____, who by me being duly sworn under oath says that the statements set forth above are true and correct.

Sworn to and subscribed before me at _____, Maine, on this _____ day of _____, 20_____.

Notary Public _____

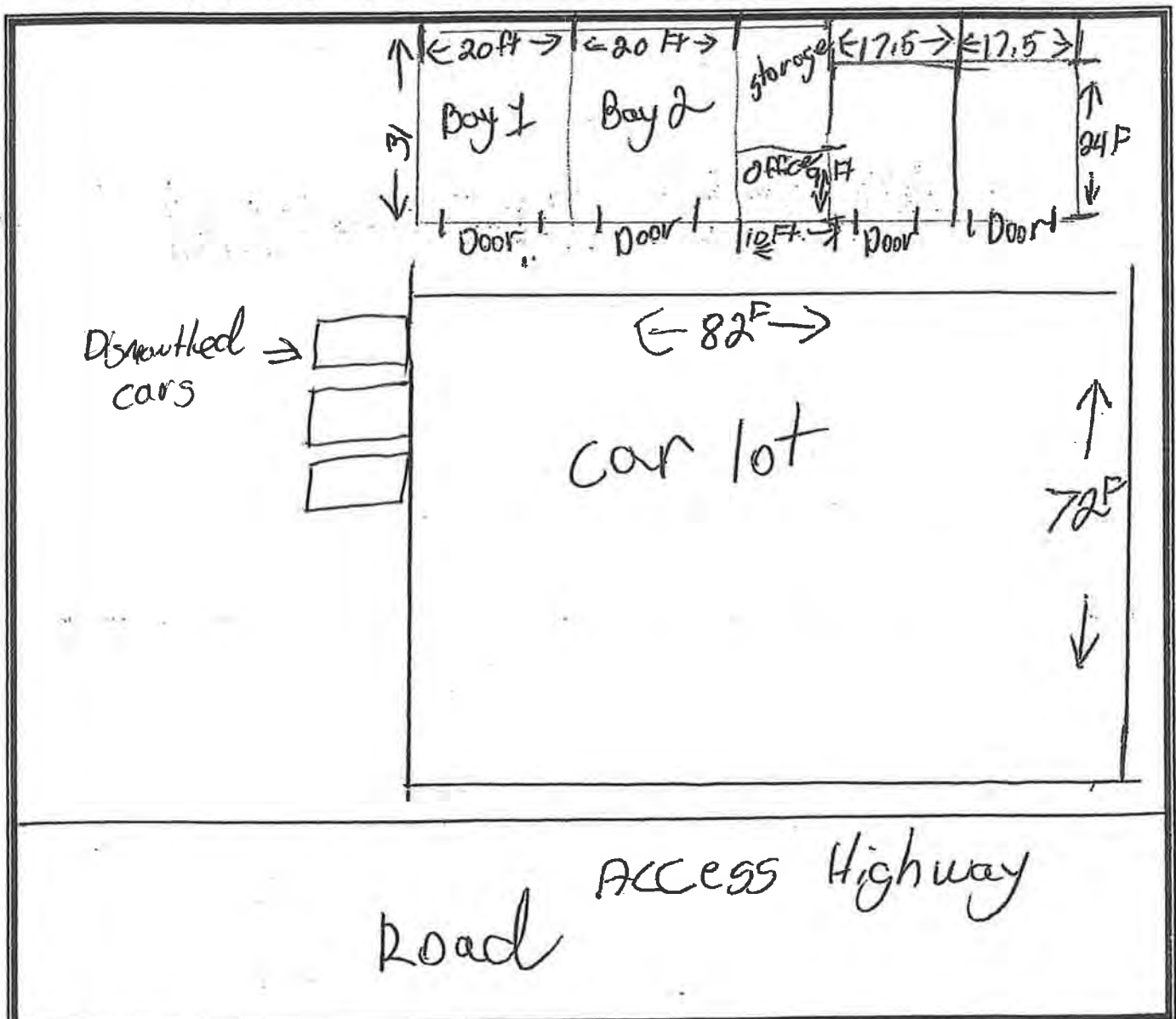
My Commission Expires: _____

Dealership Plot Plan

Dealership Name: Griffin Used Auto

Dealership Location (Physical Location) 960 Access Highway

Please use the area provided below to draw a layout of your facility. Include the dimensions of the office area, repair area, and the display area. Also indicate where the sign will be posted. If there are any other businesses operating at this same location, show their area as well.





SECRETARY OF STATE
BUREAU OF MOTOR VEHICLES
STATE HOUSE STATION 29
AUGUSTA, MAINE 04333

VEHICLE SALVAGE DEALER AND RECYCLER LICENSE
BUILDING CODE, ZONING AND LAND USE REGULATORY ORDINANCE CLEARANCE

Applicant's Name, Business Name and Business Address

Griffin Used Auto
960 Access Highway Caribou

Dear Sir:

As required by the Secretary of State, the above named applicant, at the location shown, is in compliance with all local building codes; zoning and land use regulatory ordinances and has the required permits issued by this municipality to conduct business as a vehicle salvage/recycler dealer.

This applicant's business is required to be issued a permit pursuant to Title 30-A, Section 3753 subchapter 1: Junkyards and automobile graveyards. This permit is a prerequisite to being licensed as a recycler.

- ☐ **Has been issued**
☐ **Will be issued**
☐ **Will not be issued**

Signature - Authorized City/Town Official

Title

NOTARIZATION REQUIRED

STATE OF MAINE - County of _____ Date, _____ 20____ Then personally
appeared the above authorized city/town official named _____ and
acknowledged the foregoing instrument under oath to be their free act and deed.

Notary Public or Attorney _____

My commission expires: _____



SECRETARY OF STATE
BUREAU OF MOTOR VEHICLES
STATE HOUSE STATION 29
AUGUSTA, MAINE 04333

Recycler License Zoning Renewal

The completion of this form is required for the renewal of your recycler license. It must be completed and signed by an authorized town/city official, and official's signature must be notarized.

This is to certify that Griffin Used Auto located
(Legal name of business)
at 960 Access Highway Caribou is in
(Complete physical address of business)

compliance with all local building and all zoning and land use regulatory state laws and ordinances; including the issuance of all necessary permits required for the operation of this business. This business is required to be issued a permit pursuant to Title 30-A, Section 3753, Subchapter 1; junkyard and automobile graveyards. This permit is a prerequisite to renewing a recycler license.

Signature of Authorized Town/City Official

Official Title

Town/City of

NOTARIZATION REQUIRED

STATE OF MAINE - County of _____ Date, _____ 20____ Then personally
appeared the above authorized city/town official named _____ and
acknowledged the foregoing instrument under oath to be their free act and deed.

Notary Public or Attorney _____

My commission expires: _____

These items are requested as part of the Concept Plan Review Requirements, that I could pull together:

Item #	Item	# of Pages
3	Name & Addresses of property owners within 500 feet	2
4	Deed	2

Here are some other documents:

Section of the GIS Map	1
Section of the tax map	1
Section of the Shoreland Zoning Map	1

Account Card	Name / Address	Location	Map/Lot
01739 001	CAMPBELL, BEATRICE 33 SAWYER ROAD CARIBOU ME 04736	33 SAWYER ROAD	015-067
01748 001	ROLLINS TRANSPORT, LLC AND GE & R ENTERPRISES, LLC 232 NOYES ROAD LIMESTONE ME 04750	947 ACCESS HIGHWAY	015-067-J
01750 001	ARMSTRONG, DOMINICK AND MARTHA 21 SILO DRIVE WETHERSFIELD CT 06109	ACCESS HIGHWAY	015-067-L
01751 001	ARMSTRONG, DOMINICK AND MARTHA 21 SILO DRIVE WETHERSFIELD CT 06109	ACCESS HIGHWAY	015-067-M
01753 001	BOUCHARD, KEVIN P 596 NORTH CARIBOU ROAD FORT FAIRFIELD ME 04742	952 ACCESS HIGHWAY	015-068-A
01754 001	MAYNARD, RUEBEN 4060 CREEK BEND RDG MIDLAND GA 31820-3490	914 ACCESS HIGHWAY	015-069
01756 001	GENTHNER, DAVID R GENTHNER, DOREEN E 76 SOUTH BELFAST AVENUE AUGUSTA ME 04330	948 ACCESS HIGHWAY	015-069-B
01757 001	GALLAGHER, RICHARD R GALLAGHER, BETTY JEAN P.O. BOX 1193 CARIBOU ME 04736	944 ACCESS HIGHWAY	015-069-D
02019 001	GOLDEN GLOW FARMS INC. C/O DALTON EDGEComb 1400 POST ROAD EAST, UNIT 13 WESTPORT CT 06880	ACCESS HIGHWAY	018-022
02026 001	HANEY, JOHNATHAN 982 ACCESS HIGHWAY CARIBOU ME 04736	982 ACCESS HIGHWAY	018-023-B

Account	Card	Name / Address	Location	Map/Lot
04704	001	HANEY, JOHNATHAN J. 996 ACCESS HIGHWAY CARIBOU ME 04736	976 ACCESS HIGHWAY	018-023-C
04722	001	STALLINGS, RICHARD C STALLINGS, APRIL A 966 ACCESS HIGHWAY CARIBOU ME 04736	966 ACCESS HIGHWAY	018-023
02030	001	FRONTIER TRANSPORT, INC. 596 NORTH CARIBOU ROAD FORT FAIRFIELD ME 04742	54 WEST GATE ROAD	018-025

WARRANTY DEED
MAINE STATUTORY SHORT FORM

KNOW ALL MEN BY THESE PRESENTS, that **Bonnie J. Stopa-Hill**, whose mailing address of 47 Rockwood Drive; Sanford, ME 04073, for consideration paid, grants to **Kip A. Griffin**, with a mailing address of 64 High Meadow Road; Perham, ME 04766, with **Warranty Covenants**, the following described real estate in Caribou, County of Aroostook, State of Maine, being more particularly described as follows:

The following described real estate situated in Caribou, Aroostook County, State of Maine, and being parts of Lots Numbered One Hundred Thirteen (113) and One Hundred Thirty-four (134) in that part of Caribou, formerly "T" Township, to wit:

Beginning at a point in the line separating the John Irish property, so-called, from the Leda Cote property, so-called, in a certain deed from said Leda Cote to the Houlton Gas Co., Inc. dated May 2, 1955, and recorded at the Southern Aroostook Registry of Deeds in Volume 676, Page 79, where said line is intersected by the margin of the Access Highway, so-called, on the westerly side of said highway for a point of beginning; Thence westerly on said line of the aforesaid Irish property One Hundred Seventy (170) feet to a point; Thence South Twenty-nine Degrees Ten Minutes West (S 29° 10' W), a distance of Three Hundred Sixty-four (364) feet to an iron stake driven into the ground; Thence in an easterly direction parallel with the aforesaid Irish line to a point in the margin of the aforesaid Access Highway; Thence in a northerly direction along the westerly margin of the aforesaid highway to the point and place of beginning.

EXCEPTING and RESERVING, however, so much of a field road Twelve (12) feet wide as crossed said parcel on or about May 2, 1955, when said premises were conveyed to said Houlton Gas Co., Inc. by Leda Cote, said field road running easterly and westerly parallel to the John Irish line and having as its most southwesterly bound in the above-described premises the aforementioned iron stake.

Said property also being SUBJECT TO any and all rights acquired by the State of Maine for flowage and drainage and any other rights as acquired by the State of Maine by virtue of a deed dated November 29, 1951, of record at said Registry of Deeds in Volume 639, Page 344, reference thereto being hereby made and had for a more particular description thereof.

Meaning and intending on conveying the same premises as described in a Release Deed of KeyBank of Maine to Arthur T. Powers, dated July 3, 1995, of record at said Registry in Book 2815, Page 44.

Also being part and only part of the Deed of Distribution of Bonnie Stopa-Hill, duly appointed and acting Personal Representative of the Estate of Arthur T. Powers to Bonnie Stopa-Hill, dated March 6, 2012, of record at the Southern Aroostook Registry of Deeds in Book 5029, Page 273.

Said conveyance being more particularly described as "PARCEL FIVE" of said aforementioned Deed of Distribution.

MAINE TRANSFER
TAX PAID

Witness my hand and seal this 16th day of November, 2015.

[Signature]
Witness

[Signature]
Bonnie J. Stopa-Hill

State of Maine


November 16th, 2015

County of York

Personally appeared the above named **Bonnie J. Stopa-Hill** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public / Attorney at Law

 ANGELA C LAROCHE
Notary Public-Maine
My Commission Expires
April 14, 2022
Printed / Typed Name
Commission Expires:

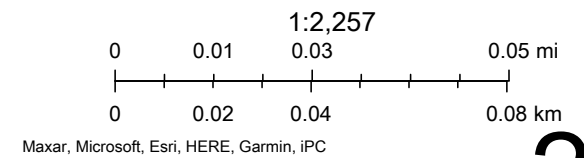
Z:\RDS\Real Estate Files\GRIFFIN KIP fm STOPA HILL 2015\Warranty Deed.wpd

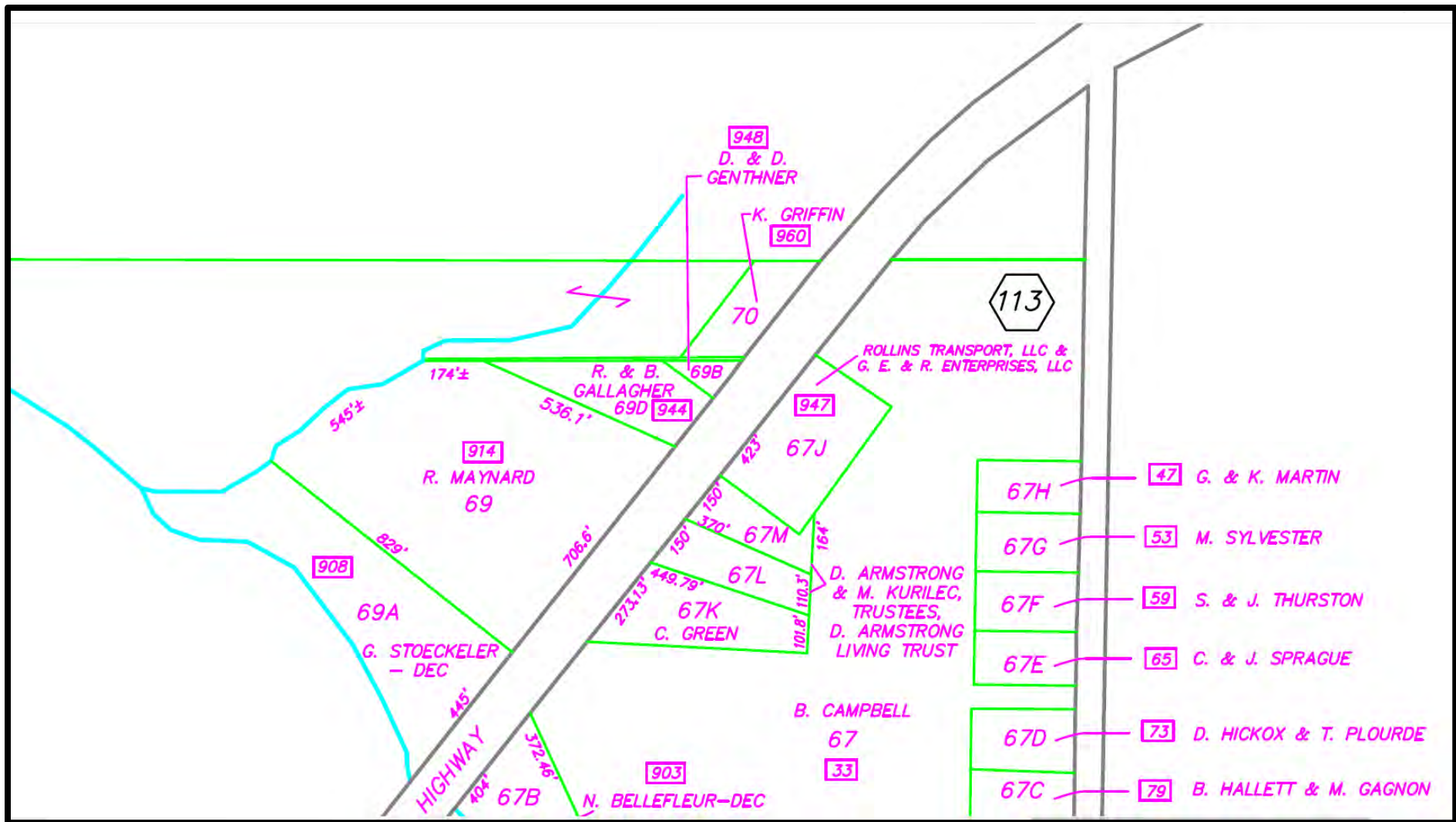
Received
AROOSTOOK SS
TYLER CLARK, REGISTRAR

Caribou Parcel Map

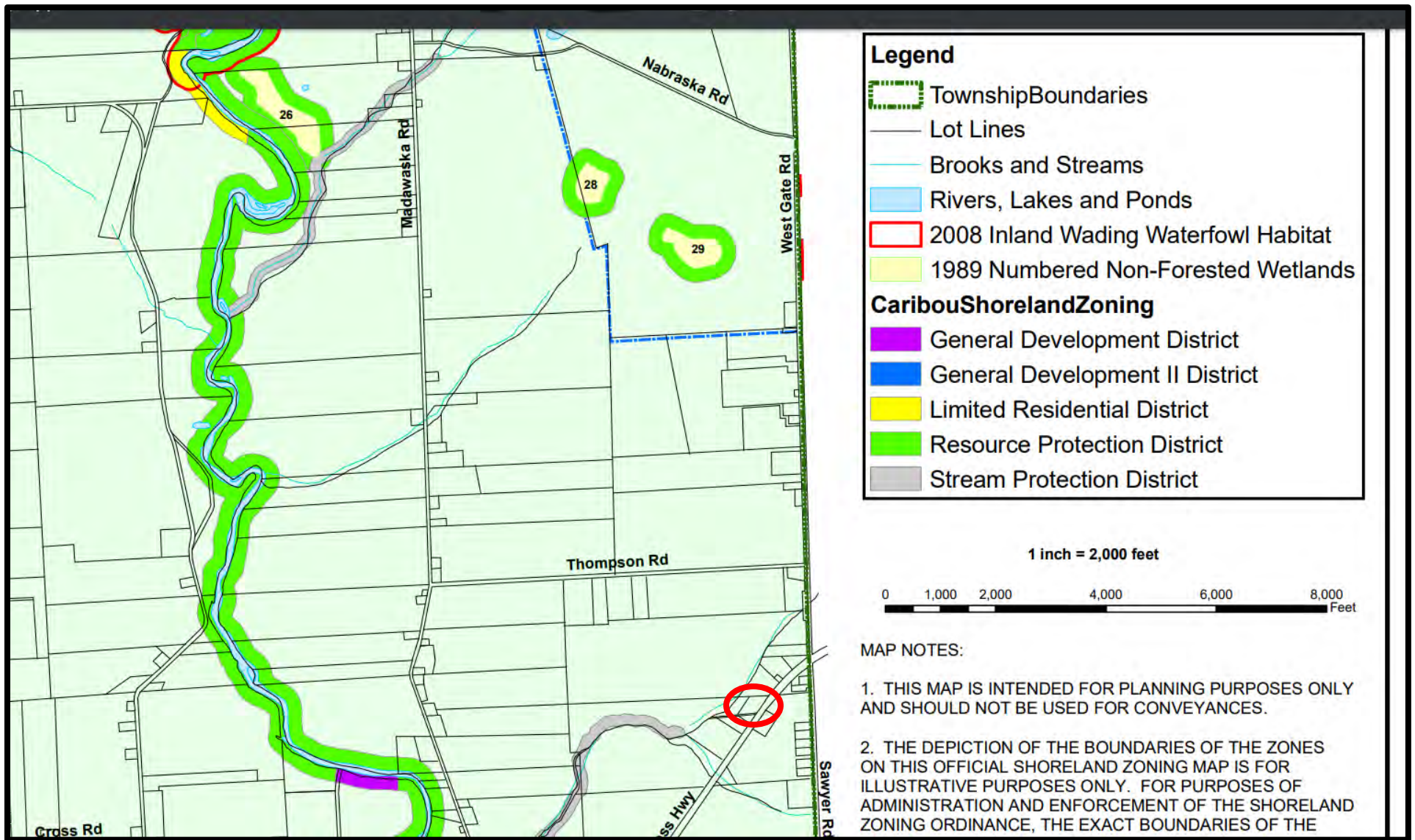


9/5/2023, 9:37:09 PM





The subject property is Map 15 Lot 70 and is zoned R-3.



This is a section from the 2009 Shoreland Zoning Map.

The subject is circled in red above.

MAINE DEPARTMENT OF SECRETARY OF STATE
BUREAU OF MOTOR VEHICLES
RULES AND LAWS FOR THIS TYPE OF BUSINESS

Chapter 103 Rules for vehicle dealers, auctions, transporters, recyclers, mobile crushers, and loaners

Number of pages 33

MRS Title 17 Miscellaneous nuisances

Number of pages 01

MRS 30-A Sections to do with motor vehicles

Number of pages 17

City Ordinance Chapter 7 Article 7 Automobile Junkyards

Number of pages 02

****NOTE**** The ordinance does not address recyclers, something I brought up before.

29 DEPARTMENT OF SECRETARY OF STATE

250 BUREAU OF MOTOR VEHICLES

**Chapter 103: RULES FOR VEHICLE DEALERS, AUCTIONS, TRANSPORTERS,
RECYCLERS, MOBILE CRUSHERS, AND LOANERS**

SUMMARY: This rule establishes the requirements for licensing and for receipt of registration plates for vehicle dealers, persons in the business of conducting vehicle auctions, vehicle recyclers, mobile crushers, and holders of loaner and transporter plates. The rule sets forth required facilities, equipment, records and hours and describe required application procedures. The rule also establishes requirements for annexes and for secondary locations.

Definitions: Unless otherwise defined, terms have the same meaning as in Title 29-A.

I. REQUIREMENTS FOR NEW CAR DEALERS AND USED CAR DEALERS

- A. **Established place of business or annex.** The established place of business and any annex locations of a new car dealer or used car dealer shall:
1. Be located in a permanent, enclosed building(s) which:
 - a. Is in good repair;
 - b. Is free of obstruction;
 - c. Has a source of heat;
 - d. Is owned or leased by the dealer;
 - e. Is used exclusively by the dealer for the purpose of displaying, repairing, buying, and selling vehicles and other vehicle related items.
 2. Have a display area that meets the following requirements:
 - a. The display area shall be located at the established place of business and annex location;
 - b. The display area shall contain not less than 5,000 square feet used exclusively for the display of vehicles offered for sale;
 - c. Any outside surface of the display area shall be paved, graded gravel, crushed rock, or a mowed grassy surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles offered for sale;

- d. Ground space occupied by gas pumps or junk vehicles, and the normal drive approach to the repair area and customer parking shall not be included when determining the 5,000 square feet of display area;
 - e. The display area shall be free of debris, hazards and unrelated materials;
 - f. The location, degree of slope and grade of the display area shall be such that the display of vehicles does not constitute a hazard; and
 - g. Additional or separate lots are allowed, but their location must be reported to the Secretary of State and cannot be used in part or whole to obtain the required 5,000 square feet. See regulations on secondary locations.
3. Have an office which:
- a. Is located at the established place of business or annex location;
 - b. Is not less than 64 square feet in size, is used exclusively for dealership and related business, and is free of unrelated materials and debris;
 - c. Is heated during business hours;
 - d. Is entered through a door which is properly labelled and readily accessible to the public;
 - e. Contains at least one desk, 2 chairs, and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;
 - f. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper, or cardboard are not allowed as construction material.); and
 - g. Is separate from any living quarters.
4. Have reasonable business hours which:
- a. Are a minimum of 30 hours per week consisting of at least five 6 hour days;
 - b. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex; and
 - c. Shall be between 6:00 a.m. and 9:00 p.m.
 - d. A dealer may be exempted from maintaining regular business hours for up to two weeks with written notification to Dealer Licensing.

1. A sign shall be conspicuously posted that informs consumers of the date the dealer will return to posted business hours.
5. Have a repair facility:
 - a. Which is located within the building or buildings identified as the established place of business or annex, and is used exclusively by the dealership;
 - b. Which contains not less than 400 square feet of workable floor space which is free of benches and permanently mounted equipment;
 - c. Which is heated and reasonably free of debris, hazards and unrelated materials; and
 - d. Which has a hard surface, non-dirt floor.
 - e. Notwithstanding section 1(A)(1)(e), a dealer may lease their repair facility to a licensed inspection mechanic. The dealer shall file a copy of the lease with the Bureau. The dealer must display a sign of at least 2 ft. by 3 ft. stating that any repair work done on site for the dealership will be performed by the technician leasing space. The sign shall include the technician's address and telephone number.
6. Be equipped during posted business hours with the following tools and equipment:
 - a. One vehicle jack or car lift in working order;
 - b. An air compressor in working order; and
 - c. At least one set of general mechanic's tools sufficient to make warranty repairs and any specialty tools necessary to perform repairs.
7. Display the license and supplement license(s) issued in a public space visible to the general public.
8. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the dealer affected):
 - a. The sign shall be permanently mounted, displayed at the established place of business or annex, and shall not be less than 12 square feet in surface size;
 - b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and
 - c. The sign shall contain the trade or business name of the dealer and related business only.

9. Contain records as follows:

- a. Records shall be maintained at the office of the established place of business and shall be available during posted business hours for inspection by agents of the Secretary of State or of the Office of the Attorney General or duly authorized members of law enforcement agencies during those business hours. If a dealer has no business hours between 8:00 a.m. and 5:00 p.m., the dealer shall make the records available for inspection during these hours upon reasonable demand and advance notice of the Secretary of State, the Office of the Attorney General or law enforcement agencies;
- b. The Dealer shall fully complete and maintain a record of the purchase or sale of a vehicle so as to comply with 29-A M.R.S. §956(1)(A). The record of the purchase or sale of the vehicle shall contain a description of the vehicle, including make, model, model year, body type, vehicle identification number, color, and whether the vehicle is new or used. The dealer shall also maintain a record of the seller's information, purchaser's information, legal owner, odometer information, and date of sale;
- c. Records shall be kept for a minimum of five years in accordance with the federal *Truth in Mileage Act of 1986* and rules promulgated thereunder.

B. **Application.** In addition to filling out the basic application, an applicant for dealer registration and plates shall:

- 1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers;
- 2. Submit to an investigation as follows:
 - a. Upon receipt of an application for dealer registration, the Secretary of State shall conduct an investigation into the ownership and facilities established place of business or annex location of new car dealers and used car dealers; and
 - b. Prior to approval of an application for dealer registration and plates, an inspection report shall be submitted to the Secretary of State affirming that the dealership conforms to all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with applicable laws, rules and regulations.
 - c. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).

- d. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.
3. Dealers shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;
4. Dealers shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.
5. Pay the appropriate filing fees at the time of application;
6. File proof of automobile liability insurance as prescribed in 29-A M.R.S. §1612, and surety bond as required by 29-A M.R.S. §901(4).
 - a. The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss because the licensee failed to comply with the requirements of 29-A M.R.S. chapter 7 or chapter 9 related to the buying and selling of vehicles, or any provisions of this rule or of Chapter 104, Rules of the Department of Secretary of State.

The surety bond shall be for at least the minimum amount prescribed in §901(4) and shall be applied against the total amount of claims during the license period.

The surety bond shall become payable upon order of a court of competent jurisdiction; or an administrative ruling by the Bureau of Consumer Credit Protection or the Secretary of State.

The form of the surety bond is prescribed in Appendix B.

7. Notify the Secretary of State of the sales tax number issued by the Maine Revenue Services by submitting a reseller's certificate at initial application and upon each renewal;
8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;
9. Furnish copies of a lease, if the facilities are leased;
10. Furnish copies of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated;
11. Furnish a copy of a plot plan for the premises;
12. File a new application and fees whenever the ownership structure changes; and

13. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

C. Arbitration/mediation Fees. No dealer may receive renewal of the dealer's license and dealer plates until the dealer has submitted arbitration or mediation fees imposed by 10 M.R.S. §1169(11) as follows:

1. Arbitration/mediation fees must be collected from the date of issuance of the current license through to the first day of the expiration month of the current license for any motor vehicle retail sale except commercial vehicles with a gross vehicle weight of 8,500 pounds or more;
2. Arbitration/mediation fees must be submitted in one annual payment at the time of renewal to the Secretary of State, Bureau of Motor Vehicles, Dealer Licensing;
3. Dealerships which change ownership must transfer arbitration/mediation fees collected to their successors for submission by the new owners as part of the new owner's annual payment; or alternatively the prior owner must pay all arbitration/mediation fees due prior to the transfer. If there are no successors, the dealer must submit fees collected through the final day of business to the Secretary of State within 10 days of the final day of business.

D. Temporary Plates May Be Issued to a Dealer

1. To be placed on a vehicle purchased by a customer for a period of 14 days. If the customer is a non-resident member of the Armed Services a temporary plate may be issued for a period of 20 days;
2. The 14 or 20 day temporary plate expiration date calculation begins on the date of sale;
3. No temporary plate shall be renewed or extended except by authority of the Secretary of State, Bureau of Motor Vehicles, Dealer Licensing Section;
4. The dealer license type and number shall be identified on the lower right hand corner of each temporary plate issued;
5. The temporary plate must be attached to the rear plate bracket.

E. Dealer Plate Use/Requirements

Dealer business plates are assigned to a vehicle dealer for the conduct of the dealer's business including vehicles assigned to the owner or staff in accordance with 29-A M.R.S. §1002. Dealer family plates are assigned to a dealer's immediate family for personal use only.

1. To obtain or retain business plate(s) a dealer must:
 - a. Maintain a log that indicates the staff or area (e.g. shop) that has been assigned plates giving the employees' names and the plate number(s) and suffix(es) for the plates. The log will be in a manner prescribed by the Secretary of State.
 - b. Sell 25 vehicles (excluding sales to dealerships under the same ownership), for each additional business plate in excess of the plates permitted under 29-A M.R.S. §903(3). (See Appendix A.)
 - c. Newly licensed dealers may obtain plates, under the same formula, except that the number of plates to which a dealer is entitled will be based on estimates for the first year.
2. To obtain or retain a dealer family plate a dealer must:
 - a. Have been in business for at least one year.
 - b. Have at least 20% ownership in the business; or the minimum ownership required by the franchise agreement, whichever is less. No more than five family plates may be issued per dealer license.
 - c. No more than five family plates may be issued per dealer license.
 - d. Submit an application providing the name(s), date(s) of birth and relationship(s) to the owner of the primary driver(s). A primary driver may only be a spouse or child under the age of nineteen living with the dealer.
 - e. Have no more than one family plate per owner regardless of the number of dealerships owned or licenses held.
 - f. Use the plate on a vehicle that is in the dealer's active inventory and that is available for resale.

F. 10,000 lb. Laden Permit Issued to Dealers

The 10,000 lb. laden permit allows a dealer to carry a load on a vehicle or combination of vehicles while using their dealer plates, if the load is in conjunction with the sale or purchase of a motor vehicle, trailer or equipment by the dealership. This permit shall only be used to haul items for which the dealership is licensed to sell. The hauling unit must have a new car dealer plate or used car dealer plate attached to it.

1. The permit can not be photocopied.
2. The original permit must be carried in the hauling unit during transport.
3. The operation of the vehicle or combination of vehicles and load must be in conjunction with the sale or purchase of a motor vehicle, vehicle or equipment.

The bill of sale, invoice or other proof of purchase must be carried in the hauling unit with the permit.

4. The load may consist of one automobile, truck or truck-tractor or; it may consist of multiple trailers or equipment that the dealer is licensed to sell.
5. The annual fee is \$200.00 per permit. A dealer may purchase more than 1 permit.
6. The permit expires 90 days from the date of issuance and may be renewed.
7. If traveling out of state:
 - a. If the hauling unit and load weighs 10,000 pounds or more and if traveling out of state the dealer must have a USDOT number.
 - b. The dealer should obtain a USDOT number by contacting Motor Carrier Services, Fuel Decal Section at 624-9000 Extension 52137 or online at:

<http://www.fmcsa.dot.gov/>

There is no fee for the DOT number.

- c. Check with the states that will be traveled through to be certain that those states do not require the truck to be registered in the International Registration Plan (IRP).
- d. If the hauling unit and load weighs over 26,001 pounds the truck may need a fuel decal. Contact Motor Carrier Services, Fuel Decal Section to obtain the information regarding the International Fuel Tax Agreement (IFTA).

This permit does not exempt the permittee from any other requirements, i.e. CDL License, commercial inspection, fuel decals, Uniform Carrier Registry, DOT number, etc.

II. REQUIREMENTS FOR MOTORCYCLE DEALERS, LIGHT TRAILER, HEAVY TRAILER DEALERS, AND EQUIPMENT DEALERS

- A. **Established Place of Business or Annex.** The established place of business and any annex location of a motorcycle dealer, light trailer, heavy trailer or equipment dealer shall:
 1. Be located in a permanent, enclosed building(s) which:
 - a. Is in good repair;
 - b. Is free of obstructions or material not related to the display, repair or sale of vehicles or other vehicle related items;
 - c. Has a source of heat;

- d. Is owned or leased by the dealer;
 - e. Contains a solid wall separating the established place of business from any other unrelated business in the building;
 - f. Has an entrance used exclusively to gain access to the established place of business.
2. Have a display area which meets the following requirements:
- a. The display area shall be located at the established place of business or annex;
 - b. The display area shall be large enough to permit the display of at least 2 of the largest units of the type of vehicle the applicant will be licensed to sell;
 - c. Any outside surface of the display area shall be paved, graded gravel, crushed rock, or a mowed grassy surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles offered for sale; (Those dealers who are in compliance with IIA-4F (seasonal hours) will be exempt from all season display area standards);
 - d. Ground space occupied by gas pumps or junk vehicles, and the normal drive approach to the customer parking and repair area shall not be included when determining the size of the display area;
 - e. The display area shall be free of debris, hazards and unrelated materials;
 - f. The location, degree of slope and grade of the display area shall be such that the display of vehicles does not constitute a hazard; and
 - g. Additional or separate lots are allowed, but their location must be reported to the Secretary of State and cannot be used in part or whole to obtain the required area for display purposes. See regulations on secondary locations.
3. Have an office which:
- a. Is located at the established place of business or annex;
 - b. Is not less than 64 square feet in size, is used exclusively for dealership and related business, and is free of unrelated materials and debris;
 - c. Is heated during business hours;
 - d. Is entered through a door which is properly labelled and readily accessible to the public;
 - e. Contains at least one desk, 2 chairs, and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the

desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;

- f. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper, or cardboard are not allowed as construction material.); and
 - g. Is separate from any living quarters.
4. Have reasonable business hours which:
- a. Are a minimum of 30 hours per week consisting of at least five 6-hour days;
 - b. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex;
 - c. Shall be between 6:00 a.m. and 9:00 p.m.;
 - d. For motorcycle dealers and light trailer dealers selling only boat trailers the hours shall be maintained at the minimum required during the period from March 1st through October 31st of each year;
 - e. For light trailer dealers selling only snowmobile trailers the hours shall be maintained at the minimum required during the period from November 1st of each year through March 31st of the following year; and
 - f. Any dealer operating a business under the seasonal guidelines shall notify the Secretary of State when the dealership is closed in the off season.
 - g. A dealer may be exempted from maintaining regular business hours for up to two weeks with written notification to Dealer Licensing.
 - 1. A sign shall be conspicuously posted that informs consumers of the date the dealer will return to posted business hours.
5. Have a repair facility which is:
- a. For motorcycles located within the building or buildings identified as the established place of business or annex, and is used exclusively by the dealership;
 - b. For trailer, light trailers, and equipment, located within, or in an area outside, the building or buildings identified as the established place of business or annex;
 - c. Large enough to permit the simultaneous repair of at least two units of the type of vehicle the applicant will be licensed to sell;
 - d. Heated if within the building or buildings identified as the established place of business or annex; and

- e. Reasonably free of debris, hazards and unrelated materials.
 - f. Which has a hard surface, non-dirt floor.
6. Be equipped during posted business hours with the following tools and equipment:
- a. One vehicle jack or car lift in working order;
 - b. An air compressor in working order; and
 - c. At least one set of general mechanic's sufficient to make warranty repairs and any specialty tools necessary to perform repairs.
7. Display the license and supplement license(s) issued in a space visible to the general public.
8. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the dealer affected);
- a. The sign shall be permanently mounted, displayed at the established place of business or annex, and shall not be less than 12 square feet in surface size;
 - b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and
 - c. The sign shall contain the trade or business name of the dealer and related business only.
9. Contain records as follows:
- a. Records shall be maintained at the office of the established place of business and shall be available for inspection during posted business hours by agents of the Secretary of State or of the Office of the Attorney General or duly authorized members of law enforcement agencies during those business hours. If a dealer has no business hours between 8:00 a.m. and 5:00 p.m., the dealer shall make the records available for inspection during these hours upon reasonable demand and advance notice of the Secretary of State, the Office of the Attorney General or law enforcement agencies;
 - b. The Dealer shall fully complete and maintain a record of the purchase or sale of a vehicle so as to comply with 29-A M.R.S. §956(1-A). The record of the purchase or sale of the vehicle shall contain a description of the vehicle, including make, model, model year, body type, vehicle identification number, color, and whether the vehicle is new or used. The dealer shall also maintain a record of the seller's information, purchaser's information, legal owner, odometer information, and date of sale;

- c. Records shall be kept in accordance with 29-A M.R.S. §956(5) on all full-time personnel; and
- d. Records shall be kept for a minimum of five years, and motorcycle, motor driven cycle and moped dealers shall comply with the federal *Truth in Mileage Act of 1986* and rules promulgated thereunder.

B. Application. In addition to filling out the basic application, an applicant for dealer registration and plates shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers;
2. Submit to an investigation as follows:
 - a. Upon receipt of an application for dealer registration, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business or annex of motorcycle dealers, motor driven cycle dealers, moped dealers, light trailer dealers, trailer and semi-trailer dealers, mobile home dealers and equipment dealers; and
 - b. Prior to approval of an application for dealer registration and plates, inspection report shall be submitted to the Secretary of State affirming that the dealership conforms to all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with applicable laws, rules and regulations;
 - c. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).
 - d. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.
3. Dealers shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;
4. Dealers shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of state, of the old and new contact information.
5. Pay the appropriate filing fees at the time of application;
6. File proof of automobile liability insurance as prescribed in 29-A M.R.S. §1612, and surety bond as required by 29-AM.R.S. §901(4).

- a. The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss because the licensee failed to comply with the requirements of 29-A M.R.S. chapter 7 or chapter 9 related to the buying and selling of vehicles, or any provisions of this rule or of Chapter 104, Rules of the Department of Secretary of State.

The surety bond shall be for at least the minimum amount prescribed in §901(4) and shall be applied against the total amount of claims during the license period.

The surety bond shall become payable upon order of a court of competent jurisdiction; or an administrative ruling by the Bureau of Consumer Credit Protection or the Secretary of State.

The form of the surety bond is prescribed in Appendix B.

7. Notify the Secretary of State of the sales tax number issued by the Maine Revenue Services by submitting a reseller's certificate at initial application and upon each renewal;
8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;
9. Furnish copies of a lease, if the facilities are leased;
10. Furnish copies of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated;
11. Furnish a copy of a plot plan for the premises;
12. File a new application and fees whenever the ownership structure changes; and
13. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

C. **Arbitration/mediation Fees.** For motorcycle dealers, no dealer may receive renewal of the dealer's license and dealer plates until the dealer has submitted arbitration or mediation fees imposed by 10 M.R.S. §1169(11) as follows:

1. Arbitration/mediation fees must be collected from the date of issuance of the current license through to the first day of the expiration month of the current license for any motor vehicle retail sale except commercial vehicles with a gross vehicle weight of 8,500 pounds or more;
2. Arbitration/mediation fees must be submitted in one annual payment at the time of renewal to Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services;

3. Dealerships that change ownership must transfer arbitration/mediation fees collected to their successors for submission by the new owners as part of the new owner's annual payment. If there are no successors, the dealer must submit fees collected through the final day of business to the Secretary of State within 10 days of the final day of business;

D. Temporary Plates May Be Issued to a Dealer

1. To be placed on a vehicle purchased by a customer for a period of 14 days. If the customer is a non-resident member of the Armed Services a temporary plate may be issued for a period of 20 days;
2. The 14 or 20 day temporary plate expiration date calculation begins on the date of sale;
3. No temporary plate shall be renewed or extended except by authority of the Secretary of State, Bureau of Motor Vehicles, Dealer Licensing Section;
4. The dealer license type and number shall be identified on the lower right hand corner of each temporary plate issued;
5. The temporary plate must be attached to the rear plate bracket;

E. Dealer Plate Use/Requirements

The dealer plate/family plate requirements shall be the same as for new and used car dealers in Section I., subsection E.

F. 10,000 lb. Laden Permit Issued to Dealers

The 10,000 laden permit requirements shall be the same as for new and used car dealers in Section I, subsection F.

III. REQUIREMENTS OF RECYCLERS

A. Established Place of Business. The established place of business of a recycler shall:

1. Be a permanent location within the State which is easily accessible and open to the public at all reasonable times:
 - a. Is owned or leased by the applicant. If leased, a witnessed or notarized copy of the lease is required to be filed with the application;
2. Have facilities which:
 - a. Are adequate for the storage and display of vehicles being handled; and
 - b. Facilities and display areas must be reasonably free of debris, hazards and unrelated materials.

3. Have a suitable office which:
 - a. Is adequate for business being conducted;
 - b. Contains records of the business; and
 - c. Is heated and reasonably free of debris, hazards and unrelated materials.
 - d. Is separate from any living quarters. Active licenses prior to this date shall be grandfathered and exempt from this requirement.
4. Have business hours which are posted and clearly visible to the public;
 - a. Are a minimum of 30 hours per week consisting of at least five 6-hour days;
 - b. Shall be between 6:00 a.m. and 9:00 p.m.;
5. Display the license and supplement license(s) in a public space visible to the general public;
6. Have an exterior sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the dealer affected):
 - a. The sign shall be permanently mounted, displayed at the established place of business and shall not be less than 12 square feet in surface size;
 - b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and
 - c. The sign shall contain the trade or business name of the dealer and related businesses only.
7. Maintain records as follows:
 - a. Records shall be maintained at the established place of business and shall be available for inspection during posted business hours by agents of the Secretary of State or the Office of the Attorney General or duly authorized members of law enforcement agencies. Recyclers which do not have business hours between 8:00 a.m. and 5:00 p.m. shall make records available upon reasonable demand and advance notice by the Secretary of State, the Office of the Attorney General or law enforcement agencies;
 - b. All records shall be kept for a minimum of 5 years in accordance with 29-A M.R.S. §956(1).
 - c. Records shall be maintained on a form prescribed by the Secretary of State.

- d. Recyclers shall provide proof of NMVTIS reporting registration to the Secretary of State upon initial application for recycler license.
- B. **Application.** In addition to filling out the basic application, an applicant for a recycler license shall:
1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business and shall swear before a notary as to the truthfulness of the answers;
 2. Submit to an investigation as follows:
 - a. Upon receipt of an application for a recycler license, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations;
 - b. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).
 - c. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.
 3. Recyclers shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;
 4. Recyclers shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.
 5. Prior to approval of an application for a recycler license, an inspection report shall be submitted to the Secretary of State affirming that the dealership entity conforms to all applicable laws, rules and regulations;
 6. Pay the appropriate filing fee at the time of application in addition to the license fee. Any business licensed by the Secretary of State as a new car, used car or equipment dealer pursuant to 29-A M.R.S. §951 is exempt from the recycler license fee;
 7. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services by submitting a reseller's certificate at initial application and upon each renewal;
 8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of

Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;

9. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business is operated;
10. Furnish proof of compliance with 30-A M.R.S. §3753;
11. Furnish a copy of a plot plan for the premises;
12. File a new application and fees whenever the ownership structure changes; and
13. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

IV. REQUIREMENTS FOR MOBILE CRUSHERS

A. License Requirements.

1. A mobile crusher must be licensed as a recycler if they engage in any activity that meets the definition of a recycler under 29-A M.R.S., Section 1101.

B. Permit Requirements.

1. Mobile crushers based inside or outside the State of Maine that do not hold a Maine recycler license may crush vehicles at licensed recycler facilities only. Mobile crushers that are not licensed recyclers must obtain a permit to crush vehicles at a licensed Maine recycler location. The permit will be issued at no fee and must contain the date(s) and location(s) of the activity. A permit application must be submitted to the Dealer Section at least five business days in advance of conducting business. The permit must be carried with the mobile crusher operator.
2. A Maine based mobile crusher that holds a recycler license may crush vehicles at an unlicensed location. The recycler must file for a permit for each unlicensed location. The permit will be issued at no fee and must contain the date(s) and location(s) of the activity. A permit application must be submitted to the Dealer Section at least five business days in advance of conducting business. The permit must be carried with the mobile crusher operator. The mobile crusher is responsible for complying with 29-A M.R.S., Section 667 while conducting crushing operations at locations that are not licensed recyclers.
3. Permits shall be valid for 30 days.
4. A mobile crusher shall provide current contact information to the Dealer Section, including primary or secondary telephone, e-mail address, and mailing address.
5. The mobile crusher is required to make notification of changes to any of the contact information within 30 days, in writing or by other means approved by the Secretary of State, of the old and new contact information.

C. **Records.** Mobile crushers shall maintain records as follows:

1. Records shall be maintained at the licensed recycler facility and shall be available for inspection by agents of the Secretary of State or the Office of the Attorney General or duly authorized members of law enforcement agencies. Recyclers or mobile crushers which do not have business hours between 8:00 a.m. and 5:00 p.m. shall make records available upon reasonable demand and advance notice by the Secretary of State, the Office of the Attorney General or law enforcement agencies;
 - a. All records shall be kept for a minimum of 5 years in accordance with 29-A M.R.S. §1110(1).
 - b. Mobile crushers must maintain an operator log for each location in accordance with 29-A M.R.S., Section 1110. The log must be in a manner prescribed by the Secretary of State.
 - c. The operator of a mobile crusher shall make the operator's records available in this State during normal business hours.

V. **REQUIREMENTS FOR VEHICLE AUCTIONS**

A. **Established Place of Business or Annex.** The established place of business or annex of persons in the business of conducting vehicle auctions shall:

1. Be located in a permanent, enclosed building(s) which:
 - a. Is in good repair;
 - b. Is free of obstructions or material not related to a vehicle auction;
 - c. Has a heat source;
 - d. Is owned or leased by the vehicle auction;
 - e. Is used exclusively for the purpose of vehicle auctions and preparing vehicles for auction;
 - f. Contains a solid wall separating the established place of business or annex from any other unrelated business in the building; and
 - g. Has an entrance used exclusively to gain access to the established place of business or annex.
2. Persons in the business of conducting vehicle auctions by sealed bids or outside live auctions shall have a display area which meets the following requirements:
 - a. The display area shall be located at the established place of business or annex;

- b. Any outside surface of the display area shall be paved, graded gravel, crushed rock or a mowed surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles being offered for bid;
 - c. The display area shall be free from debris, hazards and unrelated materials;
 - d. The location, degree of slope and the grade of the display area shall be such that the display of vehicles does not constitute a hazard; and
 - e. Additional or separate lots are allowed, but their locations shall be reported to the Secretary of State.
3. Persons in the business of conducting live indoor vehicle auctions shall have a viewing and bidding facility which:
- a. Is located within the building(s) identified as the established place of business or annex;
 - b. Is heated during normal business hours;
 - c. Is reasonably free of debris, hazards and unrelated materials; and
 - d. Contains viewing and bidding lanes sufficient to allow a view of the vehicles being auctioned from all directions and to allow the safe entry and exit of vehicles into and out of the lane.
4. Have an office which:
- a. Is located at the established place of business or annex;
 - b. Is not less than 64 square feet in size, is used exclusively for auction or related business and is free of unrelated materials;
 - c. Is heated during business hours;
 - d. Is entered through a door which is properly labelled and readily accessible to the public;
 - e. Contains at least one desk, two chairs and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;
 - f. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper or cardboard are not allowed as construction material.);
 - g. Is separated from any living quarters.

5. Have reasonable business hours which:
 - a. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex.
6. Display the license and supplement license(s) issued;
7. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the applicant of such ordinances, may grant an exception to these rules to the person affected):
 - a. The sign shall be permanently mounted, displayed at the established place of business or annex and shall not be less than 12 square feet in surface size;
 - b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and
 - c. The sign shall contain the trade or business name of the auction and related businesses only.
8. Contain records as follows:
 - a. Records shall be maintained at the office of the established place of business and shall be available for inspection during posted business hours by agents of the Secretary of State or the Office of the Attorney General or duly authorized members of law enforcement agencies. If an auction does not have business hours between 8:00 a.m. and 5:00 p.m., the auction shall make records available upon reasonable demand and advance notice by the Secretary of State, the Office of the Attorney General and law enforcement agencies;
 - b. The auction licensee shall fully complete and maintain a record of the purchase or sale of a vehicle so as to comply with 29-A M.R.S. §956(1)(A). The record of the purchase or sale of the vehicle shall contain a description of the vehicle, including make, model, model year, body type, vehicle identification number, color, and whether the vehicle is new or used. The dealer shall also maintain a record of the seller's information, purchaser's information, legal owner, odometer information, and date of sale;
 - c. All records shall be kept for a minimum of 5 years in accordance with the federal *Truth in Mileage Act of 1986* and rules promulgated thereunder.

B. Application. In addition to filling out the basic application, an applicant for a vehicle auction license shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers;
2. Submit to an investigation as follows:
 - a. Upon receipt of an application for a vehicle auction license, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business or annex of the auction; and
 - b. Prior to approval of an application for a vehicle auction license, an inspection report shall be submitted to the Secretary of State affirming that the business conforms to all applicable laws, rules and regulations.
 - c. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).
 - d. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.
3. Auction License holders shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;
4. Auction License holders shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.
5. Pay the appropriate filing fees at the time of application;
6. File proof of surety bond as required by 29-AM.R.S. §901(4).
 - a. The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss because the licensee failed to comply with the requirements of 29-A M.R.S. chapter 7 or chapter 9 related to the buying and selling of vehicles, or any provisions of this rule or of Chapter 104, Rules of the Department of Secretary of State.

The surety bond shall be for at least the minimum amount prescribed in §901(4) and shall be applied against the total amount of claims during the license period.

The surety bond shall become payable upon order of a court of competent jurisdiction; or an administrative ruling by the Bureau of Consumer Credit Protection or the Secretary of State.

The form of the surety bond is prescribed in Appendix B.

7. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services by submitting a reseller's certificate at initial application and upon each renewal;
 8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine or proof of authority for a foreign corporation to conduct business in the State of Maine;
 9. Furnish copies of a lease if the facilities are leased;
 10. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated;
 11. Furnish a copy of a plot plan for the premises;
 12. Obtain a temporary permit for all off-premise auctions;
 13. File a new application and fees whenever the ownership structure changes; and
 14. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor_Vehicles within 4 months of licensure.
- C. **Exemption.** This rule does not apply to vehicle auctioneers who are licensed and bonded pursuant to 32 M.R.S. Chapter 5-A, and who are conducting a vehicle auction incidental to the liquidation of a business or an estate.
- D. **Transit Plates.** An auction licensee may purchase unassigned transit plates from the Bureau of Motor Vehicles. Transit plates may be issued to licensed dealers for the purpose of removing a vehicle from the auction location. The auction licensee shall maintain records of all transit plates issued for a period of six months.

VI. REQUIREMENT FOR DEALER AND AUCTION SECONDARY LOCATIONS

- A. **Secondary Locations.** A secondary location of a vehicle dealer or auction shall:
1. Have a display area which meets the following requirements:
 - a. The display area shall be an established commercial location;
 - b. The display area shall be large enough to permit the display of at least 2 of the largest units of the type of vehicles the applicant will be licensed to sell;

- c. Any outside surface of the display area shall be paved, graded gravel, crushed rock or a mowed grassy surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles being offered for sale;
 - d. Ground space occupied by gas pumps, junk vehicles and the normal drive approach to the customer parking or repair areas shall not be included when determining the size of the display area;
 - e. The display area shall be free from debris, hazards and unrelated materials;
 - f. The location, degree of slope and the grade of the display area shall be such that the display of vehicles does not constitute a hazard; and
 - g. Any office at the secondary location shall conform to all rules and regulations set for an office in the rules and regulations of the established place of business, except the records may be maintained exclusively at the established place of business.
 2. Display a copy of the secondary location license issued at the secondary location if there is an office; if not, it shall be displayed at the primary location;
 3. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer or auction of such ordinances, may grant an exception to these rules to the dealer affected):
 - a. The sign shall be permanently mounted, displayed at the secondary location and shall not be less than 12 square feet in surface size;
 - b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet;
 - c. The sign shall contain the trade or business name of the dealer and related businesses only; and
 - d. The sign shall make reference to the established place of business.
 4. Business hours must be posted and clearly visible.
- B. Application.** In addition to filling out the basic application an applicant for a dealership or auction secondary location license shall:
1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business and secondary location, and shall swear before a notary as to the truthfulness of the answers;
 2. Submit to an investigation as follows:

- a. Upon receipt of an application for a secondary location, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business and secondary location of new car dealers, used car dealers, motorcycle dealers, light trailer and heavy trailer dealers, equipment dealers and auctions;
 - b. Prior to approval of an application for a secondary location license, an inspection report shall be submitted to the Secretary of State affirming that both the established place of business and secondary location conform to all applicable laws, rules and regulations. Periodic inspections of said premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations.
3. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services by submitting a reseller's certificate at initial application and upon each renewal;
4. Furnish copies of properly recorded authority to operate under an assumed name, if applicable;
5. Furnish copies of a lease if the facilities are leased;
6. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the secondary location is operated;
7. Furnish a copy of a plot plan for the premises;
8. File a new application and fees whenever the ownership structure changes; and
9. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

VII. REQUIREMENTS FOR HOLDERS OF TRANSPORTER PLATES

- A. **Business or Annex Location.** Any business or annex location of a holder of transporter plates shall:
 1. Be located in a permanent, enclosed building which is in good repair and which is owned or leased by the applicant;
 2. Not be required to have a display area;
 3. Have an office which:
 - a. Is located at the business or annex location and is free of debris and unrelated materials;
 - b. Is heated during business hours;

- c. Is entered through a door which is properly labelled and readily accessible to the public;
 - d. Is separate from any living quarters.
- 4. Have reasonable business hours which:
 - a. Shall be posted and clearly visible on the exterior or through a window of the building identified as the business location or annex;
- 5. Not be required to have a repair facility
- 6. Not be required to have tools or equipment;
- 7. Display the license and supplement license(s) issued in a public space visible to the general public;
- 8. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the licensee affected):
 - a. The sign shall be permanently mounted;
 - b. The sign shall contain the trade or business name of the transporter and related business only;
 - c. The sign shall display the name of the transporter in letters at least 4 inches high;
 - d. The sign shall be visible from the entrance to the business or annex location; and
 - e. The sign shall be displayed at the business location and any annex or secondary location used by the licensee.

B. Application. In addition to filling out the basic application, an applicant for transporter registration and plates shall:

- 1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the business location or annex and shall swear before a notary as to the truthfulness of the answers;
- 2. Except as provided in subparagraph “c” below, submit to an investigation as follows:
 - a. Upon receipt of an application for a transporter license, the Secretary of State shall conduct an investigation into the ownership and facilities of the business or annex location of transporters;

- b. Prior to approval of an application for transporter registration and plates, an inspection report shall be submitted to the Secretary of State affirming that the licensee meets all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations;
 - c. An investigation shall be waived for transporters engaged in the business of banking or renting vehicles.
 - d. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).
 - e. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.
- 3. Transporter License holders shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;
 - 4. Transporter License holders shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.
 - 5. Pay the appropriate filing fee at the time of application if the facilities are subject to investigation.
 - 6. File proof of insurance as required by 29-A M.R.S. §1612.
 - 7. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine or proof of authority for a foreign corporation to conduct business in the State of Maine;
 - 8. Furnish copies of a lease if the facilities are leased; and
 - 9. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the business or annex location is operated.

VIII. REQUIREMENTS FOR HOLDERS OF LOANER PLATES

- A. **Established Place of Business or Annex Location.** The established place of business or annex of a holder of loaner plates shall:
 - 1. Be located in a permanent, enclosed building which:

- a. Is in good repair;
 - b. Is free of obstructions or material not related to the business;
 - c. Has a source of heat;
 - d. Is owned or leased by the applicant;
 - e. Contains a solid wall separating the established place of business from any other unrelated business in the building; and
 - f. Has an entrance used exclusively to gain access to the established place of business.
2. Not be required to have a display area unless the applicant is licensed as a dealer;
3. Have an office which:
 - a. Is located at the established place of business or annex;
 - b. Is heated during business hours;
 - c. Is entered through a door which is properly labelled and readily accessible to the public;
 - d. Contains at least one desk and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;
 - e. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper or cardboard are not allowed as a finished surface);
 - f. Is separate from any living quarters;
 - g. Is reasonably free of debris and unrelated materials.
4. Have reasonable business hours which:
 - a. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex.
5. Have a repair facility:
 - a. Located within the building or buildings identified as the established place of business or annex;
 - b. Which is heated and reasonably free of debris, hazards and unrelated materials; and

- c. Which is equipped with the necessary tools of the business operated.
 - d. Which has a hard surface, non-dirt floor.
- 6. Display the license and supplement license(s) issued in a public place visible to the general public:
- 7. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such an ordinance, may grant an exception to these rules to the licensee affected);
 - a. The sign shall be permanently mounted;
 - b. The sign shall be displayed at the established place of business and at the annex or secondary location used by the licensee;
 - c. The sign shall contain the trade or business name of the licensee and related business only; and
 - d. The sign shall be visible from the entrance to the lot.
- 8. Maintain records as required by 29-A M.R.S. §1003(4). Records shall be kept for a minimum of five years.

B. Application. In addition to the basic application, an applicant for loaner registration and plates shall:

- 1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers.
- 2. Except as provided in subparagraph “c” below, submit to an investigation as follows:
 - a. Upon receipt of an application for loaner registration, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business or annex of loaners;
 - b. Prior to approval of an application for loaner registration and plates, an inspection report shall be submitted to the Secretary of State affirming that the business conforms to all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations;
 - c. An investigation shall be waived for loaner applicants who are already licensed as dealers.

- d. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).
 - e. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.
3. Loaner Plate License holders shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;
 4. Loaner Plate License holders shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.
 5. Pay the appropriate filing fee at the time of application if the facilities are subject to investigation;
 6. File proof of insurance as required by 29-A M.R.S. §1612;
 7. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;
 8. Furnish copies of a lease if the facilities are leased; and
 9. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated.

IX. DEALER LICENSE SUSPENSION OR REVOCATION

For the purposes of this subsection the “licensee” means the holder of a vehicle dealer, motorcycle, auction, transporter, recycler, and/or loaner license.

1. If a licensee violates any Maine law or any rule relating to a vehicle dealer, motorcycle, auction, transporter, recycler, or loaner license, the Secretary of State may suspend the license(s) pursuant to 29-A M.R.S. §903(1).
2. The suspension shall be for a period of up to six months for the first offense. A second violation may result in a suspension of up to one year or an indefinite revocation.
3. A licensee revoked indefinitely may petition for restoration after one year.
4. A violation committed within the past five (5) years constitutes a prior violation.

5. A Bureau of Motor Vehicle Detective may warn a licensee for minor violations of statute or rule relating to vehicle dealer, auction, transporter, recycler, mobile crusher or loaner laws and rules. Repeated warnings may result in suspension or revocation.
6. A report or conviction for violation of 29-A M.R.S. §903(1)(A), (F), (G), or (H) may result in an indefinite license revocation. The licensee may petition for restoration after one year.

X. RIGHTS TO AN ADMINISTRATIVE HEARING

A licensee may request a hearing, in writing, within 10 days from the effective date of the suspension or revocation. The hearing, if requested, will be held according to the applicable laws and rules pursuant to 29-A M.R.S. §§ 2484 and 2485, 5 M.R.S. §§ 9051 to 9064, which includes the right to subpoena witnesses. The hearing request must be sent to Secretary of State, Bureau of Motor Vehicles, Dealer Licensing, 29 State House Station, Augusta, Maine 04333.

Appendix A. Dealer Plates by Sales Chart

Sales	Business Plates	Sales	Business Plates	Sales	Business Plates
4 to 12	2	775 to 799	35	1600 to 1624	68
13 to 18	3	800 to 824	36	1625 to 1649	69
19 to 25	4	825 to 849	37	1650 to 1674	70
26 to 50	5	850 to 874	38	1675 to 1699	71
51 to 75	6	875 to 899	39	1700 to 1724	72
76 to 100	7	900 to 924	40	1725 to 1749	73
101 to 124	8	925 to 949	41	1750 to 1774	74
125 to 149	9	950 to 974	42	1775 to 1799	75
150 to 174	10	975 to 999	43	1800 to 1824	76
175 to 199	11	1000 to 1024	44	1825 to 1849	77
200 to 224	12	1025 to 1049	45	1850 to 1874	78
225 to 249	13	1050 to 1074	46	1875 to 1899	79
250 to 274	14	1075 to 1099	47	1900 to 1924	80
275 to 299	15	1100 to 1124	48	1925 to 1949	81
300 to 324	16	1125 to 1149	49	1950 to 1974	82
325 to 349	17	1150 to 1174	50	1975 to 1979	83
350 to 374	18	1175 to 1199	51	2000 to 2024	84
375 to 399	19	1200 to 1224	52	2025 to 2049	85
400 to 424	20	1225 to 1249	53	2050 to 2074	86
425 to 449	21	1250 to 1274	54	2075 to 2099	87
450 to 474	22	1275 to 1299	55	2100 to 2124	88
475 to 499	23	1300 to 1324	56	2125 to 2149	89
500 to 524	24	1325 to 1349	57	2150 to 2174	90
525 to 549	25	1350 to 1374	58	2175 to 2200	91
550 to 574	26	1375 to 1399	59	2200 to 2224	92
575 to 599	27	1400 to 1424	60	2225 to 2249	93
600 to 624	28	1425 to 1449	61	2250 to 2274	94
625 to 649	29	1450 to 1474	62	2275 to 2299	95
650 to 674	30	1475 to 1499	63	2300 to 2324	96
675 to 699	31	1500 to 1524	64	2325 to 2349	97
700 to 724	32	1525 to 1549	65	2350 to 2374	98
725 to 749	33	1550 to 1574	66	2375 to 2399	99
750 to 774	34	1575 to 1599	67	2400 or more	100

This chart is a guideline. A dealer may request additional plates based on operational need. The Bureau may require additional information, and may consider such issues as the number of secondary locations and annexes, or the number of salespeople and support staff.

STATUTORY AUTHORITY: 29 M.R.S.A. §§ 51, 362 and 2353(2B); 29-A M.R.S.A. §153;
10 M.R.S. §1169(11)

EFFECTIVE DATE:
May 7, 1979

AMENDED:
November 30, 1987
April 18, 1989
April 2, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION):
May 4, 1996

AMENDED:
October 31, 1998

NON-SUBSTANTIVE CORRECTIONS:
December 1, 1998 - superfluous “of the” in §I(B)(1)(a);formatting in §III(A)(3).
December 19, 2000 - converted to MS Word, formatting, spelling, minor corrections

AMENDED:
December 16, 2000
January 1, 2009 – filing 2008-453
September 14, 2009 – filing 2009-449
July 20, 2010 – filing 2010-309
August 29, 2012 – filing 2012-237
March 31, 2014 – filing 2014-052
July 4, 2020 – filing 2020-156

§2802. Miscellaneous nuisances

The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture that, by noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; imprudent operation of a watercraft as defined in Title 12, section 13068-A, subsection 8; unlawfully diverting the water of a river, stream, pond or aquifer from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn-out or junked motor vehicles as defined in Title 29-A, section 101, subsection 42, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are public nuisances. [PL 2005, c. 397, Pt. A, §11 (AMD).]

SECTION HISTORY

PL 1965, c. 78, §1 (AMD). PL 1971, c. 274 (AMD). PL 1979, c. 472, §3 (AMD). PL 1995, c. 65, §A53 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1997, c. 540, §4 (AMD). PL 1997, c. 683, §A7 (AMD). RR 2003, c. 2, §24 (COR). PL 2005, c. 397, §A11 (AMD).

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§3751. Purpose

Junkyards and so-called "auto graveyards" have been steadily expanding and frequently encroach upon highways. These junkyards and graveyards have become a nuisance and a menace to safe travel on public ways, often distracting the attention of drivers of motor vehicles because it appears cars are parked on the highway or that an accident has occurred. It is declared that such junkyards and automobile graveyards are a nuisance and are properly subject to regulation and control. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

It is recognized that recycling of automobiles is a business enterprise that, when conducted in accordance with certain standards, differs from the enterprise of an automobile graveyard and that adoption of uniform state standards for this type of business enterprise would assist in development and regulation of that business. [PL 1993, c. 173, §1 (NEW).]

Junkyards, automobile graveyards and automobile recycling businesses pose potential risks to the environment, particularly to groundwater and surface water quality if gasoline, oil or other fluids are not managed and disposed of properly. Proper location and operation of these facilities are critical to ensure protection of groundwater and surface water quality, other natural resources and the health and welfare of Maine citizens. These facilities may create nuisance conditions potentially affecting abutting landowners and others if not located and operated properly. For these reasons, it is declared that these facilities are appropriately subject to certain environmental and operational standards and to appropriate municipal and state regulation. [PL 2003, c. 312, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1993, c. 173, §1 (AMD). PL 2003, c. 312, §2 (AMD).

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§3752. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Automobile graveyard. "Automobile graveyard" means a yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

A. "Automobile graveyard" does not include:

- (1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
- (2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist, except that a municipal ordinance may require areas used by an automobile hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in section 3754-A, subsection 5, paragraph A, paragraph B, subparagraph (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
- (3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
- (4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;
- (5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;
- (6) An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;
- (7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
- (8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

[PL 2005, c. 424, §1 (AMD).]

[PL 2005, c. 424, §1 (AMD).]

1-A. Automobile recycling business. "Automobile recycling business" means the business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 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, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

A. "Automobile recycling business" does not include:

- (1) Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;
- (2) Insurance companies licensed to do business in the State;
- (3) New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or
- (4) That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business. [PL 2003, c. 312, §4 (NEW).]

[PL 2003, c. 312, §4 (AMD).]

2. Highway. "Highway" means any public way.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Interstate System. "Interstate System" means those portions of the Maine Turnpike and the state highway system incorporated in the National System of Interstate and Defense Highways, as officially designated by the Department of Transportation.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Junkyard. "Junkyard" means a yard, field or other outside area used to store, dismantle or otherwise handle:

A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture; [PL 2003, c. 312, §5 (AMD).]

B. Discarded, scrap and junked lumber; and [PL 2003, c. 312, §5 (AMD).]

C. 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. [PL 2003, c. 312, §5 (AMD).]

D. [PL 2003, c. 312, §5 (RP).]

[PL 2003, c. 312, §5 (AMD).]

5. Primary System. "Primary System" means that portion of the state highway system which the Department of Transportation has by official designation incorporated into the Federal-Aid Primary System.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

6. Recycling or recycling operations.

[PL 2003, c. 312, §6 (RP).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1991, c. 745, §1 (AMD). PL 1993, c. 173, §§2,3 (AMD). PL 1995,

c. 65, §A130 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2003, c. 312, §§3-6 (AMD). PL 2005, c. 424, §1 (AMD).

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§3753. Permit required

A person may not establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard without first obtaining a nontransferable permit from the municipal officers of the municipality in which the automobile graveyard, automobile recycling business or junkyard is to be located, or from the county commissioners of the county of any unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. Permits issued to an automobile graveyard or junkyard under this section are valid until the first day of the following year; except that, beginning in calendar year 2004, permits issued to an automobile graveyard or junkyard under this section are valid until the first day of October of the following year. Permits issued to an automobile recycling business under this section are valid for 5 years from the date of issuance and are renewable provided that the permit holder furnishes a sworn statement, annually, on the anniversary date of the granting of the permit, that the facility complies with the standards of operation applicable at the time of issuance of the permit. A person operating a business that involves the recycling of automobiles may operate under a permit for an automobile graveyard or a permit for an automobile recycling business. [PL 2003, c. 312, §7 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1993, c. 173, §4 (AMD). PL 2003, c. 312, §7 (AMD).

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§3754. Hearings

Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and may hold public hearings annually regarding the relicensing of these facilities. Municipal officers or county commissioners shall require an applicant to provide proof of mailing the notice of the application to all abutting property owners. Municipal officers or county commissioners shall also post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. The municipal officers or county commissioners shall give written or electronic notice of the application to establish a new automobile graveyard or automobile recycling business to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles by mailing a copy of the application at least 7 and not more than 30 days before the hearing. The municipal officers or county commissioners shall give written notice of the application to the public water supplier if the application is for an automobile graveyard, automobile recycling business or junkyard located within the supplier's source water supply area. The notice may be given by mailing a copy of the application at least 7 and not more than 14 days before the hearing. [PL 2005, c. 424, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1993, c. 173, §4 (AMD). PL 1999, c. 761, §5 (AMD). PL 2003, c. 312, §8 (AMD). PL 2005, c. 424, §2 (AMD).

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§3754-A. Limitations on graveyard, automobile recycling business and junkyard permits

1. Highways; Interstate System and Primary System. A permit may not be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, except for:

A. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:

- (1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
- (2) Well constructed and properly maintained at a minimum height of 6 feet;
- (3) Placed outside of the highway right-of-way; and
- (4) Acceptable to the municipal officers or county commissioners; and [PL 2003, c. 312, §9 (NEW).]

B. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1,000 feet from the right-of-way of any highway incorporated in both the Interstate System and Primary System. [PL 2003, c. 312, §9 (NEW).]

[PL 2003, c. 312, §9 (NEW).]

2. Limitation on new permits. A permit may not be granted for an automobile graveyard or junkyard established after October 3, 1973 and located within 100 feet of any highway. [PL 2003, c. 312, §9 (NEW).]

3. Public facilities. A new permit may not be granted for an automobile graveyard or junkyard that is:

A. Located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery; and [PL 2003, c. 312, §9 (NEW).]

B. Within ordinary view from a facility under paragraph A. [PL 2003, c. 312, §9 (NEW).]
[PL 2003, c. 312, §9 (NEW).]

4. Public and private water supplies. A permit may not be granted for an automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste within 300 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after an automobile graveyard, junkyard or automobile recycling business has already received a permit under section 3753.

Automobile graveyards, junkyards and automobile recycling businesses operating under the terms of permits issued prior to the effective date of this subsection and handling junk, scrap metal, vehicles or other solid waste within 300 feet of wells that serve as public or private water supplies may continue to operate in those locations under the terms of those permits. Municipal officers or county commissioners may renew a permit allowing the continued handling of junk, scrap metal, vehicles or other solid waste within 300 feet of a well serving as a public or private water supply as long as no further encroachment toward the well occurs. The municipal officers or county commissioners may not renew a permit if there is substantial, credible evidence that the permitted activities have caused contamination of the well.

[PL 2005, c. 424, §3 (AMD).]

5. Operating standards. All automobile graveyards and junkyards permitted pursuant to section 3753 are required to comply with the following standards:

- A. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water; [PL 2005, c. 247, §1 (AMD); PL 2005, c. 247, §7 (AFF).]
 - B. A vehicle containing fluids may not be stored or dismantled:
 - (1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5;
 - (2) Within the 100-year floodplain; or
 - (3) Over a mapped sand and gravel aquifer; [PL 2003, c. 312, §9 (NEW).]
 - C. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; [PL 2005, c. 247, §2 (AMD); PL 2005, c. 247, §7 (AFF).]
 - D. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity and the facility or facilities are actively engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale or trade; [PL 2005, c. 683, Pt. A, §51 (RPR).]
 - E. A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed; [PL 2005, c. 247, §3 (NEW); PL 2005, c. 247, §7 (AFF).]
 - F. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition. Motor vehicles, appliances and other items acquired by and on the premises of a junkyard or automobile graveyard prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable; [PL 2005, c. 247, §3 (NEW); PL 2005, c. 247, §7 (AFF).]
 - G. Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations; and [PL 2005, c. 247, §3 (NEW); PL 2005, c. 247, §7 (AFF).]
 - H. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles, appliances and other items before crushing or shredding. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable. [PL 2005, c. 247, §3 (NEW); PL 2005, c. 247, §7 (AFF).]
- [PL 2005, c. 683, Pt. A, §51 (AMD).]

6. Rules. A permit, other than a limited-term permit as described in this section, may not be granted for an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of Title 29-A, chapter 9. Municipal officers or county commissioners may award a limited-term permit conditioned upon an automobile graveyard's or automobile recycling business's demonstrating compliance with the

provisions of Title 29-A, chapter 9 within 90 calendar days of the issuance of the municipal or county limited-term permit.

[PL 2003, c. 312, §9 (NEW).]

6-A. Relationship to state storm water requirements. After October 30, 2005, municipal officers or county commissioners may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that:

A. A notice of intent has been filed with the Department of Environmental Protection to comply with the general permit provisions for storm water discharges; or [PL 2005, c. 247, §4 (NEW); PL 2005, c. 247, §7 (AFF).]

B. The Department of Environmental Protection has determined that a storm water discharge permit is not required. [PL 2005, c. 247, §4 (NEW); PL 2005, c. 247, §7 (AFF).]
[PL 2005, c. 247, §4 (NEW); PL 2005, c. 247, §7 (AFF).]

7. Local ordinances. This subchapter may not be construed to limit a municipality's home rule authority to enact ordinances with respect to automobile graveyards, automobile recycling businesses and junkyards that the municipality determines reasonable, including, but not limited to, ordinances concerning:

A. Compliance with state and federal solid waste and hazardous waste regulations; [PL 2003, c. 312, §9 (NEW).]

B. Fire and traffic safety; [PL 2003, c. 312, §9 (NEW).]

C. Levels of noise that can be heard outside the premises; [PL 2003, c. 312, §9 (NEW).]

D. Distance from existing residential or institutional uses; [PL 2003, c. 312, §9 (NEW).]

E. The effect on groundwater and surface water, as long as municipal ordinances on groundwater are no less stringent than or inconsistent with rules adopted by the Department of Environmental Protection; and [PL 2003, c. 312, §9 (NEW).]

F. Best management practices for automobile graveyards, junkyards and automobile recycling businesses developed by the Department of Environmental Protection. [PL 2003, c. 312, §9 (NEW).]

Municipal officers or county commissioners shall consider compliance with these local ordinances in deciding whether to grant or deny a permit for any automobile graveyard, automobile recycling business or junkyard and in attaching conditions of approval to a permit.

[PL 2003, c. 312, §9 (NEW).]

8. Applicability. Municipalities may apply local ordinances adopted previously under subsection 7 pertaining to automobile graveyards and junkyards to an automobile recycling business without amending those ordinances to include automobile recycling businesses. A municipality must provide notice of its intent to apply these ordinances at the time an application for an automobile recycling business permit is filed.

[PL 2003, c. 312, §9 (NEW).]

9. Right of entry. Municipal officers or their designees may, to carry out the provisions of this subchapter or to determine compliance with any laws, ordinances, license or permit approvals, decisions or conditions:

A. Enter any automobile graveyard, junkyard or automobile recycling business property and inspect all outside areas, equipment and activities at reasonable hours for compliance with the laws or ordinances set forth in accordance with this subchapter; and [PL 2003, c. 312, §9 (NEW).]

B. Enter any building on the property with the consent of the owner, occupant or agent to inspect the building and activities within the building for compliance with the laws or ordinances set forth in accordance with this subchapter. [PL 2003, c. 312, §9 (NEW).]

A municipal officer's or designee's entry onto property under this subsection is not a trespass. [PL 2003, c. 312, §9 (NEW).]

10. Standard for permit. The municipal officers or county commissioners may issue a permit to an automobile graveyard or junkyard if that automobile graveyard or junkyard meets the operating standards set forth in subsection 5. [PL 2005, c. 424, §5 (NEW).]

For purposes of revocation or suspension of a permit pursuant to section 3758-A, subsection 5, each of the standards set forth in this section is a condition of a permit. [PL 2005, c. 424, §6 (NEW).]

SECTION HISTORY

PL 2003, c. 312, §9 (NEW). PL 2005, c. 247, §§1-4 (AMD). PL 2005, c. 247, §7 (AFF). PL 2005, c. 424, §§3-6 (AMD). PL 2005, c. 683, §A51 (AMD).

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§3755-A. Automobile recycling business permits; operation standards

1. Application. An application for an automobile recycling business permit must include the following information:

- A. The name and address of the property owner; [PL 1993, c. 173, §6 (NEW).]
- B. The name and address of the person or entity who will operate the site; and [PL 1993, c. 173, §6 (NEW).]
- C. A site plan, including:
 - (1) Property boundary lines;
 - (2) A description of the soils on the property;
 - (3) The location of any sand and gravel aquifer recharge areas;
 - (4) The location of any residence or school within 500 feet of where the cars will be stored;
 - (5) The location of any body of water on the property or within 200 feet of the property lines;
 - (6) The boundaries of the 100-year flood plain;
 - (7) The location of all roads within 1,000 feet of the site;
 - (8) A plan for containment of fluids, containment and disposal of batteries and storage or disposal of tires; and
 - (9) The location within the property boundary lines where vehicles are drained, dismantled or stored. [PL 1993, c. 173, §6 (NEW).]

[PL 1993, c. 173, §6 (NEW).]

2. Standards for permit. The municipality may issue a permit to an automobile recycling business if the business demonstrates that the business meets the operation standards set forth in subsection 3. [PL 1993, c. 173, §6 (NEW).]

3. Operation standards. An automobile recycling business licensed under this section must meet the following standards.

- A. The site of the yard must be enclosed by a visual screen that complies with the screening requirements of section 3754-A. [PL 2003, c. 312, §11 (AMD).]
- B. A vehicle containing fluids may not be stored within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5. [PL 2003, c. 312, §11 (AMD).]
- C. A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued. [PL 1993, c. 173, §6 (NEW).]
- D. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area. [PL 1993, c. 173, §6 (NEW).]
- E. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain. [PL 1993, c. 173, §6 (NEW).]
- F. Except as provided in section 3754-A, subsection 4, a vehicle may not be dismantled or stored within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence. [RR 2021, c. 2, Pt. A, §108 (COR).]
- G. A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner. [PL 1993, c. 173, §6 (NEW).]

H. Dismantling of a vehicle must be performed in accordance with the following standards.

(1) Batteries must be removed.

(2) All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal and state laws, rules and regulations.

(3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

(4) Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.

(5) A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.

(6) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

(7) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable. [PL 2005, c. 683, Pt. A, §52 (AMD).]

[RR 2021, c. 2, Pt. A, §108 (COR).]

4. Revocation or suspension of permit. For purposes of section 3758-A, subsection 5, each of the standards set forth in this section are conditions of a permit.

[RR 2003, c. 1, §32 (COR).]

5. Relationship to automobile graveyard permit. A person who recycles automobiles but does not qualify for, or loses, an automobile recycling business permit may apply for an automobile graveyard permit.

[PL 1993, c. 173, §6 (NEW).]

SECTION HISTORY

PL 1993, c. 173, §6 (NEW). RR 2003, c. 1, §32 (COR). PL 2003, c. 312, §11 (AMD). PL 2005, c. 247, §5 (AMD). PL 2005, c. 247, §7 (AFF). PL 2005, c. 683, §A52 (AMD). RR 2021, c. 2, Pt. A, §108 (COR).

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§3756. Permit fees

The municipal officers or county commissioners shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule: [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Graveyard or junkyard. Fifty dollars for each application for an automobile graveyard or junkyard plus the cost of posting and publishing the notice under section 3754; [PL 2005, c. 424, §7 (AMD).]

2. Graveyard or junkyard within 100 feet from highway.
[PL 2003, c. 312, §12 (RP).]

3. Recycling business. Two hundred fifty dollars for a 5-year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3754; or [PL 2003, c. 312, §12 (AMD).]

4. Fee. A fee as otherwise established by municipal ordinance or rule.
[PL 2003, c. 312, §12 (NEW).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1993, c. 173, §7 (AMD). PL 2003, c. 312, §12 (AMD). PL 2005, c. 424, §7 (AMD).

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§3757. Provisions regarding nuisances unaffected

This subchapter shall not be construed as in any way repealing, invalidating or abrogating Title 17, section 2802, or limiting the right of prosecutions under that section. Violation of this subchapter in the establishment, maintenance or operation of any automobile graveyard or junkyard constitutes prima facie evidence that the yard is a nuisance as defined in Title 17, section 2802. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

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§3758-A. Violations

1. Enforcement. All state, county and local law enforcement officers shall enforce the provisions of this subchapter.

[PL 2003, c. 312, §14 (NEW).]

2. Municipal authority. Municipal officers or their designees may enforce the provisions of this subchapter pursuant to:

A. The enforcement of land use laws and ordinances under section 4452; [PL 2003, c. 312, §14 (NEW).]

B. The litter control provisions of Title 17, chapter 80; or [PL 2003, c. 312, §14 (NEW).]

C. The abatement of nuisance provisions of Title 17, chapter 91. [PL 2003, c. 312, §14 (NEW).]
[PL 2003, c. 312, §14 (NEW).]

3. Penalties. Violations of this subchapter are subject to the penalty provisions of section 4452; Title 17, sections 2264-A and 2264-B; or Title 17, chapter 91. Each day that the violation continues constitutes a separate offense.

[PL 2003, c. 312, §14 (NEW).]

4. Abatement. If the municipality is the prevailing party in an action taken pursuant to the provisions of this Title or Title 17 as outlined in subsection 2 and the violator does not complete any ordered correction or abatement in accordance with the ordered schedule, the municipal officers or designated agent may enter the property and may act to abate the site in compliance with the order. To recover any actual and direct expenses incurred by the municipality in the abatement of the nuisance, the municipality may:

A. File a civil action against the owner to recover the cost of abatement, including the expense of court costs and reasonable attorney's fees necessary to file and conduct the action; [PL 2003, c. 312, §14 (NEW).]

B. File a lien on real estate where the junkyard, automobile graveyard or automobile recycling business is located; or [PL 2003, c. 312, §14 (NEW).]

C. Assess a special tax on real estate where the junkyard, automobile graveyard or automobile recycling business is located. This amount must be included in the next annual warrant to the tax collector of the municipality, for collection in the same manner as other state, county and municipal taxes are collected. Interest as determined by the municipality pursuant to Title 36, section 505 in the year in which the special tax is assessed accrues on all unpaid balances of the special tax beginning on the 60th day after the day of commitment of the special tax to the collector. The interest must be added to and becomes a part of the tax. [PL 2003, c. 312, §14 (NEW).]
[PL 2003, c. 312, §14 (NEW).]

5. Revocation or suspension of permit. Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same authority that issued the permit. A permit may not be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard, automobile recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.

The municipal officers or county commissioners shall provide written or electronic notice of the hearing to the automobile dealer licensing section of the Department of the Secretary of State, Bureau of Motor Vehicles at least 7 days before the hearing.

[PL 2005, c. 424, §8 (AMD).]

6. Removal of all materials after permit denial or revocation. The owner or operator of a junkyard, automobile graveyard or automobile recycling business for which a permit has been denied or revoked shall, not later than 90 days after all appeals have been denied, begin the removal of all vehicles, vehicle parts and materials associated with the operation of that junkyard, automobile graveyard or automobile recycling business. The property must be free of all scrapped or junked vehicles and materials not later than 180 days after denial of all appeals. An alternative schedule for removal of junk or vehicles may be employed if specifically approved by the municipal officers or county commissioners.

[PL 2003, c. 312, §14 (NEW).]

SECTION HISTORY

PL 2003, c. 312, §14 (NEW). PL 2005, c. 424, §8 (AMD).

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§3760. Relocation, removal, disposal, compensation and condemnation

1. Acquisition of land. If the Department of Transportation determines that the topography of the land adjacent to any portion of a highway incorporated in the Interstate or Primary Systems does not permit adequate screening under section 3754-A, subsection 1 or that adequate screening is not economically feasible, it may acquire by gift, purchase or condemnation any interests in property that are necessary to secure the relocation, removal or disposal of the automobile graveyards or junkyards. [PL 2003, c. 312, §16 (AMD).]

2. Compensation. In the case of such acquisition, just compensation shall be paid to the owner for the relocation, removal or disposal of the following automobile graveyards and junkyards:

A. Those which were operating and in existence on May 11, 1966 and located in areas adjacent to any portion of a highway incorporated in the Interstate or Primary Systems, which exceed federal restrictions and for which federal funds are available to defray the costs; [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Those in operation along any highway made a part of the Interstate or Primary Systems on or after May 11, 1966; and [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Those in operation and established on or after May 11, 1966. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Procedures. The purchase, condemnation, negotiation, assessment of damage and appeal procedures shall be in accordance with this section and Title 23, sections 153-A to 159. [PL 1993, c. 536, §4 (AMD).]

4. Use of federal funds. This section does not prevent the department from participating with the owner when federal funds are available to defray costs of screening junkyards whenever it is determined to be more feasible to screen rather than to be involved in the cost or impact of acquisition and relocation.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1993, c. 536, §4 (AMD). PL 2003, c. 312, §16 (AMD).

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Sec. 7-304 Penalty

Any person, in his own behalf or as agent or servant of any other person, firm or corporation violating any of the provisions of this Article shall upon conviction be subject to a fine of not more than fifty dollars (\$50.00) for each offense, or imprisonment for not more than 30 days, or by both such fine and imprisonment.

Historical Note: Chapter 5, 1956 Caribou Code; as amended June 4, 1980, Sec. 7-301 amended June 24, 1999.

State Law Reference: 32 MRSA §§4681-4689; 30 MRSA §2151(5).

ARTICLE IV COMMERCIAL RUBBISH HAULERS

Any person engaged in the business of collection or disposal of garbage or rubbish in the compact area must apply for a license as provided in Chapter 6, Article III, Section 6-202.

Historical Note: Article V Itinerant Photographers adopted June 4, 1980; Article V Itinerant Photographers deleted by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

ARTICLE VI LUNCH WAGONS

The City may issue a license to any reputable person to maintain a vehicle for the sale of food in the public way, pursuant to 30 MRSA §3101. The annual license fee shall be \$10.00. Any person who operates without a license required by this ordinance shall be subject to a fine of not more than \$100 for each offense. Each day a violation continues shall constitute a separate offense.

Historical Note: adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

ARTICLE VII AUTOMOBILE JUNKYARDS

Sec. 7-701 License Required

No automobile junkyard shall be established, operated, or maintained, without first obtaining a nontransferable license to do so from the City, which license shall be valid only until January 1 of the following year.

Historical Note: adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

Sec. 7-702 Planning Board Approval

A license for the establishment of an automobile junkyard shall not be issued by the City until the proposed location of such junkyard shall have been approved under this Article by the Planning Board and unless the application for such license is accompanied by a certificate from the Board stating it's approval of such location and setting forth such special requirements for fencing, screening, setback, etc. as the Board may deem necessary as a condition of its approval in order to adequately serve the public health and welfare, and to protect the appearance of the area.

Historical Note: Adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

Sec. 7-703 Screening

Any area to be occupied by junk automobiles or parts thereof shall be kept entirely screened to view from highways and streets, residences, and from any place of public assembly or recreation by natural objects or well constructed and properly maintained fences at least six feet high. Applicants shall submit drawings or written specifications for the fencing or screening to be approved by the Planning Board. Applicants shall provide appropriate bonds or other financial guarantees to the City for installation of any required fencing or Planning Board conditioned site improvements before issuance of a license by the City. Failure to install required improvements within six months from the date of issuance of the license shall constitute a violation of this Article and shall be punishable by law and/or forfeiture of financial guarantees.

Historical Note: adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

Sec. 7-704 State Law

All other pertinent provisions of the State Law on Automobile Junk Yards, Chapter 215, Title 30 Revised Statutes of Maine, as amended, shall be observed.

Historical Note: formerly Section 104.17 of the Zoning ordinance, Chapter 10 of the 1956 Caribou Code; amended June 4, 1980.

ARTICLE VIII SPECIAL AMUSEMENT PERMITS

Sec. 7-801 Title

This Article shall be known and may be cited as the Special Amusement Article of the City of Caribou, Maine.

Sec. 7-802 Purpose

The purpose of this Article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 MRSA §702.

Sec. 7-803 Definitions

1. *Entertainment.* For the purposes of this Article, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the license premises whether provided by professional entertainers or by full time or part time employees of the licensed premises whose incidental duties include activities with an entertainment value.
2. *Licensee.* For purposes of this Section, “licensee” shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

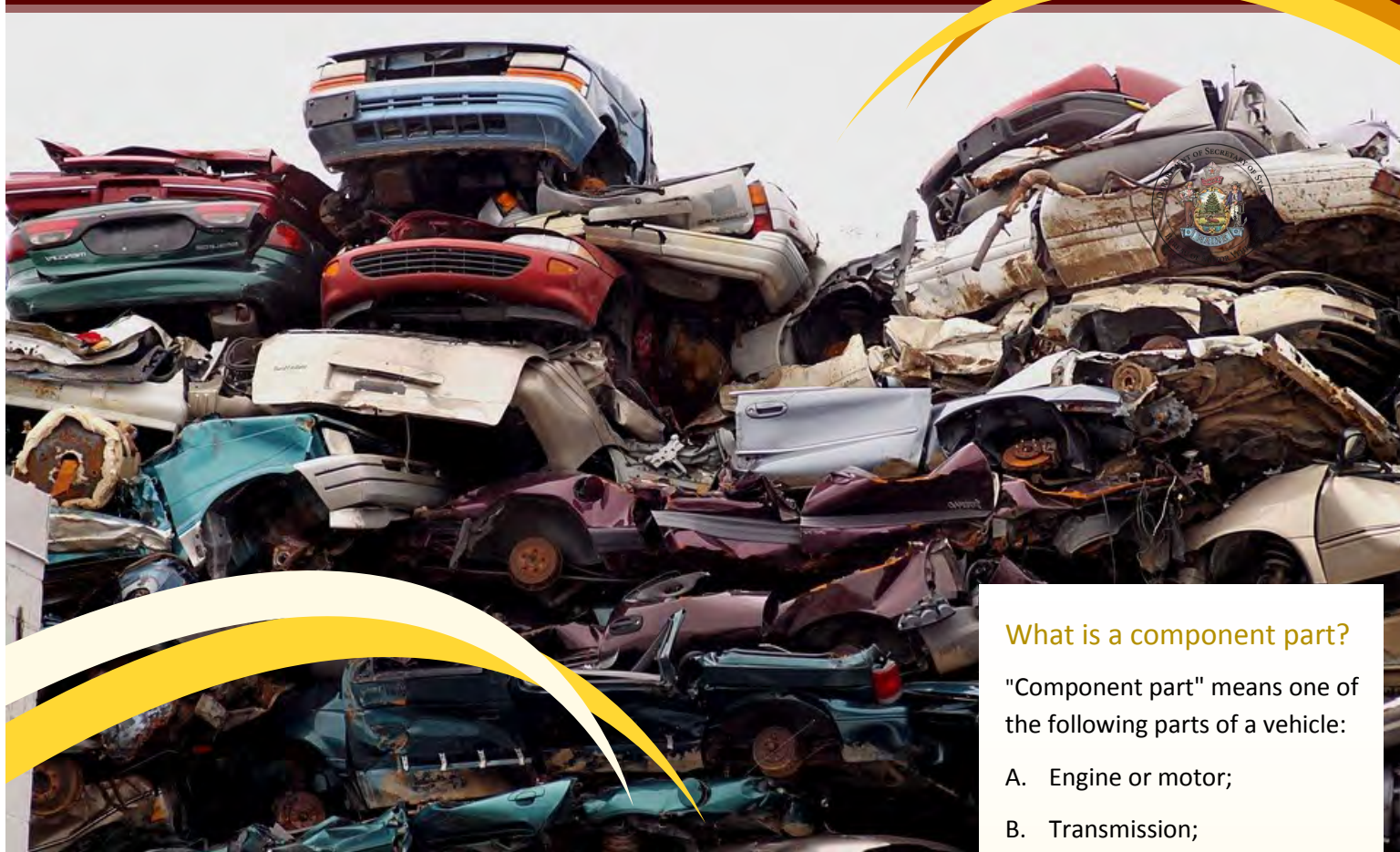
Sec. 7-804 Permit Required

1. Music, dancing and entertainment. No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the City a special amusement permit.

RECYCLER Information

Bureau of Motor Vehicles

Division of Enforcement, Anti-Theft and Regulations



When is a vehicle not considered to be a vehicle any longer?

A motor vehicle is considered a motor vehicle until the certificate of title or the certificate of salvage has been surrendered to the Secretary of State on a MVT-103 Part B. This includes the body or chassis of any vehicle that is acquired by a recycler to be dismantled, scrapped or rebuilt.

When is a vehicle considered to be a salvage vehicle?

When, by reason of its condition or circumstance, a vehicle for which a certificate of title has been issued by this State is declared a salvage vehicle if:

- 1) An insurer deems the vehicle to be salvage
- 2) An owner deems the vehicle to be a salvage vehicle (If an owner transfers a vehicle for which a certificate of salvage has not been issued to a recycler licensed by the Secretary of State, the vehicle is deemed declared by the owner to be a salvage vehicle regardless of condition), or;
- 3) A towing company, if the towing company makes clear that the vehicle is a total loss while claiming the vehicle pursuant to chapter 15, subchapter III. (Abandoned Vehicles)

What is a component part?

"Component part" means one of the following parts of a vehicle:

- A. Engine or motor;
- B. Transmission;
- C. Chassis, front or rear clip, frame or equivalent part;
- D. Door;
- E. Hood;
- F. Tailgate, roof, deck lid or hatchback;
- G. Quarter panel or fender;
- H. Front fork or crankcase of a motorcycle;
- I. Cargo bed, transfer case or sleeper of a truck; or
- J. Airbag.

Can a vehicle be purchased without a title?

If a title has already been surrendered to the Secretary of State then the recycler can purchase the vehicle without a title. The recycler is responsible for verifying that the title has been surrendered. It is recommended that the recycler obtain copies of the MVT-103 and the prior title with transfers.

A recycler licensed by the Secretary of State may purchase a vehicle that is model year 1995, 1996, 1997, 1998 or 1999 without a certificate of title if:

1. A recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photo identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least one year; and
2. A recycler, salvage vehicle dealer or scrap processor reports the destruction of the vehicle to the Secretary of State within 30 days on a properly completed MVT-54 Form.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photo identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or non-driver identification card.



What are the title transfer requirements for a licensed recycler?

Any vehicle received by a recycler must be accompanied by a properly assigned title document for vehicles that are 1995 or newer. All transfers need to reflect a chain of ownership from the owners listed on the face of the title to the licensed recycler.

A recycler that transfers a vehicle to another recycler must ensure that the transfer is completed using a certificate of salvage, unless the title has been surrendered to the Secretary of State. It is recommended that a recycler receiving a vehicle from another recycler obtain a copy of the recycler license of the selling dealer and a copy of the applicable MVT-103 form, title, and transfers; if a title has been surrendered.

Which vehicles are required to have titles when they are acquired by a recycler?

All motor vehicles that are model year 1995 or newer are required to have a certificate of title; this includes trailers that have a GVW exceeding 3000 lbs.



Can a recycler use an MVT-16 Form?

Yes, however; the back of the accompanying Certificate of Title or Certificate of Salvage must be closed prior to using the MVT-16 form. The recycler can write "See MVT-16".

What records are required to be on file for a Recycler?

The recycler must maintain business records for five years including records of:

- 1) The year, make, model, VIN, date of purchase, and name & address of the person or company that the salvage vehicle or component part was acquired from - *regardless of the year of the vehicle*. The year, make, model, VIN, date of sale, and name & address of the person or company that the salvage vehicle or component part was transferred to - *regardless of the year of the vehicle*.
- 2) The date a vehicle was crushed or shredded, the name of the company that did the crushing/shredding, and the date that the title was surrendered to the Bureau of Motor Vehicles.

*Scrap processors are exempt from the first requirement but must be in compliance with the second requirement.

*Records must be maintained whether the vehicles or component parts were purchased wholesale, retail or at auction and whether the vehicles are sold, rebuilt, parted out, stock-piled or crushed.



When does a recycler need to file for a Certificate of Salvage?

Recyclers must file for a Certificate of Salvage within 30 days of receiving a vehicle that does not have a Certificate of Salvage, unless the prior title is surrendered to the Secretary of State.

If a recycler sells a whole salvage vehicle the recycler shall file for a Certificate of Salvage on behalf of the buyer within 30 days.



Where is my VIN?

The 4 most common locations



Can a recycler be in possession of a vehicle that does not have a vehicle identification number?

No, recyclers/salvage Dealers cannot possess vehicles, or vehicle parts, from which the Vehicle Identification Number(s) have been removed.



What are the requirements for mobile crushers?

A person operating a mobile crusher in this State, whether based in or outside of the State, is subject to licensure by the Secretary of State.

The operator of a mobile crusher shall make the operator's records available in this state during normal business hours.

Mobile crushers must apply for a Mobile Crusher permit prior to conducting business within the State of Maine. The permit will be issued at no fee and must contain the date(s) and location(s) of the activity. A permit application must be submitted to the Dealer Section at least 48 hours each time prior to conducting business. The permit must be carried with the mobile crusher operator. A mobile crusher being operated at a licensed recycler site is exempt from the permit requirement.

*When conducting mobile crusher operations at an unlicensed location the mobile crusher assumes all of the responsibility for collecting and surrendering certificates of title for each vehicle that is scrapped or dismantled.

When does a recycler need to surrender a Certificate of Title or a Certificate of Salvage?

When a recycler purchases a vehicle from an owner on a Certificate of Title the recycler must surrender the Certificate of Title within 30 days or apply for a Certificate of Salvage. If a vehicle has been issued a Certificate of Salvage then a recycler must surrender the Certificate of Salvage once a component part has been removed or the vehicle is scrapped, whichever occurs first.



Who may inspect the records?

The records, the place of business, and the vehicles and vehicle parts in the possession of the licensee must be available for inspection during normal business hour by the Secretary of State, a law enforcement officer or representatives of the Office of the Attorney General.



What procedures does a recycler have to take to identify an individual?

It is recommended that all recyclers obtain photo ID from all individuals that they are acquiring vehicles from. Maine Law states that scrap metal processors shall require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification. The scrap metal processor shall photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor shall photograph the seller.



What are the National Motor Vehicle Title Information System (NMVTIS) requirements?

NMVTIS Reporting Requirements for Auto Recyclers, Salvage Yards, and Junk Yards:

Data To Be Reported

Auto recyclers; junkyards and salvage yards are required to provide NMVTIS with the following information on each vehicle received into inventory every month:

- ⇒ The name, addresses, and contact information for the reporting entity.
- ⇒ VIN.
- ⇒ Date the automobile was obtained.
- ⇒ Name of the individual or entity from whom the automobile was obtained (for USE BY law enforcement and appropriate governmental agencies ONLY).
- ⇒ A statement of whether the automobile was crushed or disposed of, or offered for sale or other purposes.
- ⇒ Whether the vehicle is intended for export out of the United States.

For more information visit: https://www.vehiclehistory.gov/nmvtis_auto.html

Can a recycler hold a new car/ used car license at the same licensed location?

Yes, the recycler business needs to be separated from the new car/ used car business. Any vehicles purchased under the recycler license automatically become salvage vehicles regardless of condition, and cannot be resold until a Certificate of Salvage is issued. When in doubt about the final disposition of the vehicle it is best to buy the vehicle as a used vehicle; however, the customer must be notified that the vehicle is being purchased for resale and not for junk. The dealer must obtain the incoming disclosure form from the seller in accordance with Title 10 (Used Car Information Act).

What is InforME?

InforME (Information Resource of Maine) is the Internet gateway for businesses and citizens to interact with government electronically.

What does InforME do?

- Manages the official State of Maine website, Maine.gov.
- Builds electronic service applications that interface public government information to businesses and citizens.
- Builds state agency websites with a focus on users' needs and accessibility for all users.
- Provides enterprise tools and resources for state agencies.
- Provides technical support and consultation.
- Delivers eGovernment services to citizens through strategic and practiced marketing campaigns.

For more information contact:

Division of Enforcement, Anti-Theft and Regulations
29 State House Station
Augusta, ME 04333-0029
Telephone: 624-9000 ext 52144

2017 HISTORY WITH THE LICENSING

April 5, 2017	Planning Board Meeting minutes	IV New Business # 2
May 11, 2017	Planning Board Meeting minutes	III Public Hearings # 1
June 8, 2017	Planning Board Meeting minutes	V Other Business # 1

It was not brought to the City Council.

Issues that were brought up:

Not a proper review, specifically Title 30-A §3754-A #4 (proximity to well, must not be within 300' feet)

If the Planning Board passes the application, it would be a recommendation to the City Council and not the final word.



City of Caribou, Maine

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org

Caribou Planning Board Meeting Minutes Wednesday, April 5, 2017 @ 5:30 pm City Council Chambers

I. Call to Order

Members Present: Phil Cyr, Michele Smith, Robert White, Evan Graves, Todd Pelletier, Philip McDonough III and Matt Hunter

Others Present: Steve Wentworth – Planning Board Advisor, Stephanie Beaulieu – Detective for Bureau of Motor Vehicle, Philip McDonough II – Councilor Liaison and Denise Lausier.

II. Approval of January 17, 2017 Council/Planning Board Workshop Minutes

Motion by Todd Pelletier to approve; seconded by Evan Graves. Vote was unanimous.

III. Approval of March 1, 2017 Planning Board Minutes

Motion by Philip McDonough III to approve; seconded by Evan Graves. Vote was unanimous.

IV. New Business

1) Proposed change to all of the RC-2 Zone along Access Highway to allow the installation of mobile homes.

Steve Wentworth received a request from Josh Nadeau to install a mobile home in the RC-2 Zone on the Access Highway. Currently, this is not allowed in this zone. Steve Wentworth told the Board that currently that area along Access Highway has multiple mobile homes. He recommends changing the restriction of RC-2 and making it R-3. After Board discussion, Philip McDonough III moved to propose to change the RC-2 Zone to an R-3 Zone along the Access Highway and hold a Public Hearing at the next meeting; seconded by Todd Pelletier. Vote was unanimous.

2) Discussion on an application to become an Auto Recycler – Kip Griffin, 960 Access Highway.

Steve Wentworth explained that the Land Use Table does not have an item for Auto Recycling. There is an item for Recyclers of bottles and cardboard, but does not address automobiles. The Site Design Application and Ordinance has review criteria for the Planning Board to follow. Every five years, Auto Recyclers need to get Planning Board approval. The facility has to meet the same review criteria as Junkyards. Annually, the Code Enforcement Officer signs the required Zoning form from the State. Stephanie Beaulieu, Detective for Bureau of Motor Vehicles gave an overview of the process for Auto Recyclers. Once the City signs off on the Zoning form, it goes to the State dealer section in

Augusta. They need to first comply with the City level to go to the State level. Once approved at the City level, the State has to do an inspection. An Auto Recycler can have all the vehicles they want as a Recycler. It is up to the City to put a restriction on the applicant. There are no yearly inspections at the State level. Dealers with salvaged titled vehicles, have to have an Auto Recycler's License.

Robert White moved to hold a Public Hearing at their next meeting in May; seconded by Matt Hunter. Vote was unanimous.

V. Other Business

1) Recommending Chapter 13 re-write to the City Council

Bob White offered to do a review of Chapter 13 for typos, punctuation, etc. and recommended the Board go over it as well and let Bob know anything that needs to be changed. After discussion, the Board decided to hold a workshop on the Land Use Table and Zoning Map on April 20, 2017 at 5:30 pm.

2) Discussion on monthly meeting date and time for Planning Board meetings.

Board discussion on meeting dates due to scheduling conflicts. Bob White moved to change the monthly meeting date to the second Thursday of each month at 5:30 pm beginning in May; seconded by Matt Hunter. Vote was unanimous.

Steve Wentworth recommended adding New Communications as a line on the Agenda for items for the Board to consider and think about.

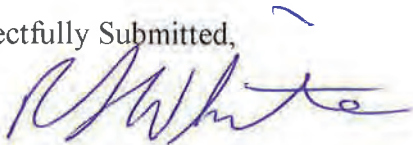
Steve Wentworth brought up the Tech Center at the High School. Their Agricultural Program would like to raise chickens at the school with possible expansions in the future with cows etc. The High School is in the R-1 Zone, which disallows livestock or poultry. Currently, there is not a line on the Land Use Table for educational use. Steve Wentworth recommended going over this at the workshop.

Phil Cyr brought up Hilltop School and the possibility of it being converted to an Assisted Living Center and that perhaps the Board needs to look at zoning for this.

VI. Adjournment

Meeting adjourned at 6:35 pm.

Respectfully Submitted,



Robert White
Planning Board Secretary

RW/dl



City of Caribou, Maine

*Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org*

Caribou Planning Board Meeting Minutes Thursday, May 11, 2017 @ 5:30 pm City Council Chambers

Members Present: Phil Cyr, Michele Smith, Robert White, Todd Pelletier, Philip McDonough III and Matt Hunter

Members Absent: Evan Graves

Others Present: Steve Wentworth – Planning Board Advisor, Penny Thompson – Tax Assessor, Kip Griffin – Griffin's Auto, Mark Bouchard – RSU 39, Alan Kuhnholm – PDT Architects, Chelsea Lipham – PDT Architects, Suzanne Morin – PDT Architects, Steve Bushey – Stantec, Milo Haney, Tim Roix – BRSA, Elvin Thomas, Chris Gura, Ryan Ellsworth – Manager CFCU, John Morrill – Custom Car Wash, Elvin Thomas.

I. Call to Order.

Phil Cyr called the meeting to order at 5:30 pm.

II. Approval of April 5, 2017 Planning Board Minutes

Motion by Todd Pelletier to approve; seconded by Philip McDonough III. Motion carried with all in favor.

III. Public Hearings

- 1) **Site Design Application to become an Auto Recycler – Kip Griffin, 960 Access Highway.**
Chairman Phil Cyr opened the Public Hearing at 5:31 pm. With no comments, the Public Hearing was closed at 5:32 pm. Kip Griffin was in attendance and answered a few questions. The location has been reviewed by the Caribou Fire Chief. It does not require review by the State Fire Marshal. The Board reviewed the Site Design Review Criteria. Matthew Hunter moved to approve the application for Kip Griffin to become an Auto Recycler at 960 Access Highway; seconded by Todd Pelletier. Motion carried with all in favor.
- 2) **Consider a zoning change along Access Highway from Otter Street to Madawaska River from the RC-2 Zone to the R-3 Zone.** Chairman Phil Cyr gave an overview. This began with a request from Josh Nadeau to change the zone for a lot on the Access Highway to allow an installation of a mobile home. Upon review of this area, Steve Wentworth stated that this area is predominately mobile homes and he recommended this area along the Access Highway be considered to re-zone from an RC-2 to an R-3 to allow the installation of mobile homes. The Public Hearing was opened at 5:44 pm. With no comments, the Public Hearing was closed at 5:44 pm. Todd Pelletier moved to

recommend to the City Council to change the RC-2 Zone along the Access Highway to an R-3 Zone; seconded by Matthew Hunter. Motion carried with all in favor.

- 3) **Site Design Application for RSU 39 Central Office Building, 69 Glenn Street.** The Public Hearing was opened at 5:45 pm. Ryan Ellsworth, Manager of County Federal Credit Union stated that as an abutting property owner, it is fine as long as it does not interfere with ongoing operations. With no other comments, the Public Hearing was closed at 5:46 pm. Steve Wentworth clarified that the portion of review for the Planning Board is the parking lot only. If more than ten spaces are added, it needs Site Design Review by the Planning Board. The office building itself, requires only a building permit and Code Enforcement approval. This hearing is for Concept Review. Alan Kuhnholm from PDT Architects was present to answer questions and offered a presentation. The Board felt a presentation on the building was not necessary at this time. They already had the information they needed on the parking lot. The Board reviewed the Site Design Review Criteria. With everything in order, Robert White moved to schedule a Final Review of the Site Design Application at the next meeting of the Caribou Planning Board; seconded by Matthew Hunter. Motion carried with all in favor.
- 4) **Site Design Application from Rosenberg Real Estate LLC for parking lot development at Skyway Plaza.** Tim Roix from BRSA was present and spoke on behalf of Daniel Rosenberg. Mr. Rosenberg is trying to be proactive. He wants to have lots available for future development. The Public Hearing was opened at 5:59 pm. John Morrill, owner of Custom Car Wash spoke on his concerns as an abutting property owner. Runoff from Skyway Plaza adversely impacts his business with a huge amount of water and debris. Mr. Morrill wants to make sure this issue is taken care of. Mr. Morrill is pro-development, but just wants to make sure it is done correctly. Tim Roix showed and explained the plans for the parking lot which includes curbing, catch basins, islands and underdrain soil filter that should take care of this issue. The Public Hearing was closed at 6:07 pm. The Board reviewed the Site Design Review Criteria as a Concept Plan Review. With everything in order, Matthew Hunter moved to schedule a public hearing for Final Plan Review at the next meeting of the Caribou Planning Board; seconded by Todd Pelletier. Motion carried with all in favor.

IV. New Business

- 1) **Preliminary Review of a re-division of a subdivision at Skyway Plaza.** Chairman Phil Cyr opened the Public Hearing at 6:14 pm. With no comments, the Public Hearing was closed at 6:15 pm. Steve Wentworth stated that State Statute requires review and approval for re-division of an existing subdivision and needs to be recorded at the Registry of Deeds. Lot #2 is being re-divided into lots 4, 5 and 6. Tim Roix from BRSA stated that many developers want to own their own lots. The Board reviewed the Preliminary Plan Review Criteria as well as the Final Plan Review Criteria. With everything in order, Matthew Hunter moved to schedule a public hearing at the next Planning Board meeting; seconded by Michele Smith. Motioned carried with all in favor.

V. Other Business

- 1) **Request for re-zone of a portion of Skyway Plaza property along Solman Street from Residential to Commercial.** Matthew Hunter moved to send this item to City Council. Steve Wentworth recommended the Board hold a public hearing on this item. Mr. Wentworth stated this was originally a Commercial 3 Zone all the way to Solman Street, which allowed for strip malls, big box stores and large parking areas. Nothing has been developed since then. This parcel #3 went from

Commercial 3 to Commercial 2, when the Commercial 3 was eliminated. Then upon request, parcel #3 went to Residential 2 to allow multi-family dwellings. Mr. Wentworth stated that staff will send out notices to the residential homes along Solman Street to notify them of the public hearing. Matthew Hunter rescinded his original motion and moved to schedule a public hearing at the next Planning Board meeting; seconded by Robert White. Motion carried with all in favor.

- 2) **Agricultural Pesticide Storage Business at 33 Aldrich Drive.** This item is not coming to the Planning Board. Steve Wentworth stated that he told the applicant that the Planning Board and the City Attorney viewed herbicides and pesticides as being no different than furniture being stored. It is considered a warehouse, so it doesn't matter the item being warehoused. This does not need to come back to the Planning Board.
- 3) **Schedule a workshop to continue re-write of Chapter 13, focus being land use table and zoning map.** Workshop was scheduled for Thursday, May 25 at 5:30 pm in City Council Chambers.

Elvin Thomas was present to speak on behalf of his sister and daughter. His sister has a lot at 272 Main Street. There was a mobile home on it when she purchased it, then she bought the house next door and moved in there. Her daughter currently lives in a mobile home park and they would like to move her out of the park to a safer place. They would like to place her mobile home on this lot. It is now zoned commercial, which does not allow for this. This area is primarily all residential. Board discussion on this area, the mixed use zone and the current work they are doing on updating the zoning map. They invited Mr. Thomas to the upcoming Planning Board workshop.

Philip McDonough III expressed some concerns regarding process and procedures.

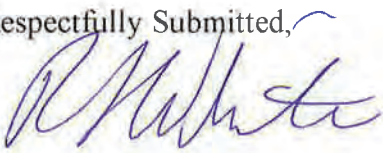
VI. New Communications

None

VII. Adjournment

Meeting adjourned at 6:49 pm.

Respectfully Submitted,



Robert White
Planning Board Secretary

RW/dl



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Caribou Planning Board Meeting Minutes Thursday, June 8, 2017 @ 5:30 pm City Council Chambers

Members Present: Phil Cyr, Michele Smith, Robert White, Todd Pelletier and Matt Hunter

Members Absent: Evan Graves and Philip McDonough III

Others Present: Steve Wentworth –Planning Board Advisor, Penny Thompson –Tax Assessor/CEO, Philip McDonough II –Council Planning Board Liaison, Tim Roix –Engineer BR Smith Associates, Karen Henderson –BR Smith Associates, Daniel Rosenberg, Tammy Belanger, Chelsea Lipham –PDT Architects, Mark Bouchard –RSU 39, Karla Bell, John Morrill –Custom Car Wash, Karen St.Peter, Joseph Ginish, John DeVeau –United Veterans of Maine, Bruce Hagelstein, Elvin Thomas and Denise Lausier –Executive Assistant to City Manager.

I. Call to Order.

Phil Cyr called the meeting to order at 5:30 pm.

II. Approval of May 11, 2017 Planning Board Minutes

Motion by Todd Pelletier to approve; seconded by Matthew Hunter. Motion carried with all in favor.

III. Public Hearings

- 1) **Final review of a Site Design Application for the parking lot at the proposed RSU 39 Central Office Building, 69 Glenn Street.** Chairman Phil Cyr opened the Public Hearing at 5:32 pm. With no public comment, the Public Hearing closed at 5:32 pm. Robert White reminded the Board this is for the parking lot only. Advisor Steve Wentworth stated this is professional office space and is a positive addition to the community. The Board reviewed the site design review criteria. With everything in order, Matthew Hunter moved to approve the application; seconded by Michele Smith. Motion carried with all in favor.
- 2) **Final review of a Site Design Application from Caribou Management Company, LLC for parking lot development at Skyway Plaza.** Chairman Phil Cyr opened the Public Hearing at 5:39 pm. John Morrill from Custom Car Wash abutting land owner, spoke in favor of development, but had a concern with the storm water drainage. Mr. Morrill stated that there needs to be a smooth transition so there is no runoff onto his property. Robert White commented that this needs to be addressed during development, not after. Chairman Phil Cyr stated he needed to abstain because John Morrill is one of his employees and a former brother in law. Tim Roix, Engineer on this project from BRSA addressed Mr. Morrill's concern. He stated that the design they have in place addresses this concern and he is comfortable with the current design. Karla Bell lives in behind Skyway Plaza

VI . Public Input

- 1) **Request from Tammy Belanger to have a Dog Grooming Business at 32 Roberts Street.** This item was moved by Chairman Phil Cyr before Other Business. Tammy Belanger was present and gave an overview of what she is looking to do. Owning this dog grooming business has been a twenty year dream of hers. This business has been in place for seventeen years in Presque Isle and it is up for sale. The current clientele is 50% outside of Presque Isle and 25% Caribou. Ms. Belanger was born and raised in Caribou and she has a heart to bring this business to Caribou. The property at 32 Roberts Street was willed to her and would be perfect for her business, however it's in the R-1 zone which doesn't allow pet grooming. There are no issues with the current neighbor. Ms. Belanger would have six to seven cars per day, no retail and no boarding, Ms. Belanger would be working there 8-10 hours per day. There is an apartment upstairs that she does not intend to utilize as an apartment. Ms. Belanger attempted being a landlord before and it didn't go well. Extensive renovations have been done in the building. Ms. Belanger is closing on the business October 1st and was looking for Board approval. The Board discussed uses in the R-1 zone and the abutting zones. Chairman Phil Cyr stated that this property would be part of the zone changes the Board will be presenting to City Council as part of their Chapter 13, Zoning re-write. Robert White recommended to put this item on a workshop agenda to discuss.

V. Other Business

- 1) **Revisit the Site Design Application from Kip Griffin to be an Auto Recycler at 960 Access Highway, from the May Planning Board Meeting.** Chairman Phil Cyr stated that he had spoken with Advisor Steve Wentworth and was informed that when this application was approved at the last meeting by the Planning Board, it was not done properly. A permit may not be granted for an auto recycler within 30 feet of a well that supplies private or public water supply. The neighboring property does have a well within 30 feet.

CEO Penny Thompson was present to speak on this item. Ms. Thompson has concerns with the City Ordinance regarding auto recycling. This portion of code has not been updated since 1980. Substantial changes were done in the state statute in 1993 and 2003. City code needs to be updated to state statute. There is a lot of information that was not looked at when the application was approved. Ms. Thompson asked the Board what they can do now to the time that the ordinance is updated so things can be done properly.

CEO Penny Thompson has given the state statutes four different times to Mr. Griffin, but he has not been willing to take the initiative to follow the application requirements.

Advisor Steve Wentworth explained there are many issues with location of the well, the fencing, screening, location of cars from property lines and a whole list of requirements have not been met. He does not meet the review criteria mandated by the state. CEO Penny Thompson cannot sign off on the permit knowing it does not meet state criteria.

CEO Penny Thompson obtained a legal opinion from Maine Municipal Association. Ms. Thompson did not receive the paperwork requested from Mr. Griffin to complete the application. Also, if approved it would need to go to the Municipal Officers for a public hearing and approval before granted a permit. MMA legal said to have the Planning Board revisit it.

Motion made by Todd Pelletier to rescind the motion made to approve the application on May 11, 2017. Motion died for lack of second.

Todd Pelletier moved to revisit the Kip Griffin application when all of the requirements needed by the CEO are met. Motion died for lack of second.

Matthew Hunter moved to withdraw the approval. Motion died for lack of second.

Chairman Phil Cyr stated that perhaps they should leave it alone. This is something that would need to go to City Council to approve and they would need all the required documentation from Mr. Griffin to do that.

Advisor Steve Wentworth commented that if an applicant is not happy with an administrative decision, they have the choice to appeal to the Zoning Board of Appeals or Superior Court.

- 2) Schedule a workshop to continue re-write of Chapter 13, Zoning of City Code.** – The Board scheduled a workshop for June 29th at 5:30 pm.

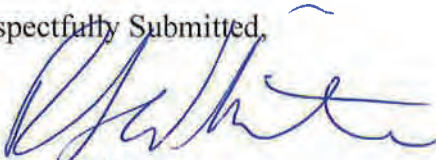
VII. New Communications

None

VIII. Adjournment

Meeting adjourned at 8:03 pm.

Respectfully Submitted,



Robert White
Planning Board Secretary

RW/dl

Projects on the horizon

September 7, 2023

Recycler	960 Access Highway
Cabins	209 Thompson Road
Caribou Police Station	Birdseye Site

Blight – Research from last meeting

From the MBOIA ListServ “Moose Chatter” ICC Property Maintenance Code

From MMA Legal Services:

I know that more and more municipalities are creating vacant building ordinances that charge escalating licensing or registration fees with the hopes of dissuading people from allowing properties to remain vacant. I would be careful about allowing the escalating fees to get too excessive because fees still have to be reasonably related to the administrative costs in issuing the licenses or permits. Below are some links to some ordinances that may give you a place to start (note I have not reviewed any of these ordinances for their quality, legality, and application to your municipality). As with any ordinances, we always recommend consulting the town attorney in the drafting process to lessen the possibility of challenge, ensure the ordinance is legally binding and best represents the interests of the city.

https://www.sanfordmaine.org/departments/land_bank_authority/vacant_building_license.php#:~:text=All%20owners%20of%20vacant%20buildings,be%20relicensed%20every%20six%20months. – Sanford

<https://ecode360.com/35456218> – Rumford

<https://ecode360.com/30502308> – Augusta

<https://searsport.maine.gov/index.asp?SEC=38DD3EA7-7D76-4FA6-B8A0-83A0E0B9152A&DE=AD405C77-91E7-4846-9855-378F5563C7D8> – Searsport

<https://ecode360.com/6893512#:~:text=When%20a%20building%20or%20structure,Standard%20vacant%20building%20registration%20permit>. – Bangor

<https://brewermaine.gov/wp-content/uploads/2021/05/CHAP49.pdf> - Brewer

Broadband

Charter / Spectrum applied for and was awarded a grant from the Maine Connectivity Authority (MCA) for last mile access in Caribou. According to MCA, they have finalized the grant contract and it is in the hands of Charter to get back to them by September 29. From previous grant programs, MCA has learned to incorporate timelines and lists of locations in the contract so that it is enforceable.

Visit Caribou

The Enterprise Grant through the Maine Tourism Marketing Partnership Program was a reimbursable grant through the Maine Office Tourism. With this \$10,000 grant, the City was able to build out the cariboumaine.org/visit website with the tagline "Caribou is Calling" with a QR code and increased the social media presence. We advertised on the Maine State Highway Map, the Maine Snowmobiler, "The County" Guidebook from NMDC and the Bangor Daily Fall insert. Caribou even caught the attention of Yankee magazine who published a snowmobile adventure video (free) and the banner purchased with grant funds was featured prominently in the background of an interview the City Manager gave on the Weather Channel. The invoice has been paid to reimburse the city for those approved expenses.

Congressionally Directed Spending Requests

FY2022	Senator Collins	Police Station	\$2.5 million
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Working with Artifex. No word on when any funds will be made available.

FY2022	Senator Collins	Mill Pond Reconstruction / Dam / Fishway	\$4.4 million
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Paperwork submitted. No word on when any funds will be made available.

FY2023	Senator Collins	Improvements to Fire Station	\$1.359 million
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Cleared the appropriations committee, waiting for full budget approval.

FY2023	Senator King	Energy improvements at Library (with a GOPIF request)	
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Cleared the appropriations committee, waiting for full budget approval.

EPA Brownfields

FY2023	Diesel Plant and other outbuildings	\$900,000
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Funding anticipated 10/01/2023.

CERLA	EPA Emergency Action on Steam Plant	UNKNOWN
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ARPA NEU Funds

2021	Broadband Study
2022	Used as match for County ARPA project
2023	Used as match for County ARPA project

ARPA – Aroostook County matching funds

FY2022	Improvements to Fire Station & Ambulance equipment	\$150,000
FY2023	Fire department turn-out gear, Police body worn cameras & radios	\$100,349

Possible Future DOT RAISE grant (Rebuilding American Infrastructure with Sustainability and Equity)

Step 1 - Department of Transportation, Village Partnership Initiative

The Caribou City Council has appropriated \$50,000 to pay for half of a DOT VPI transportation plan.

Other Aroostook County municipalities who are using this program are: Ft. Kent, Madawaska, Van Buren, and Presque Isle. Jarod, our DOT area representative, hopes to take projects that the communities support and roll them into a large Aroostook County RAISE grant.

I have also talked to MeDOT Region 5 about repairing the fences (owned by meDOT) on the City's southern gateways on Route 1.



MAINE MUNICIPAL ASSOCIATION **SINCE 1936**

To: Municipal Officials, Planning Boards EC & LPC Members

Fr: Rebecca Graham, Senior Legislative Advocate, MMA Advocacy & Communications

Re: DECD In Person Hours for PL 2021, ch. 672 (AKA LD 2003)

Date: August 30, 2023

The Housing Opportunity Program is hosting four in-person office hour sessions in September in Belfast, Bangor, Houlton, and Caribou. These sessions are an informal way for community members, municipal officials, and planning board members to chat with the Housing Opportunity Program in-person about anything related to P.L. 2021, ch. 672 (LD 2003) and PL 2023, ch. 192 (LD 1706). There will be no set agenda for these sessions and RSVP'ing is not necessary to attend. All are welcome to stop by. For more information, email housing.decd@maine.gov.

Advocacy staff members Rebecca Graham and Rebecca Lambert will also be in attendance so feel free to stop by and connect with MMA too! We would love to hear about your progress and challenges to help aid our advocacy efforts.

Wednesday, September 20, 2023

The Caribou Room
Caribou Public Library
30 High St., Caribou
10 a.m. – noon
MMA Staff Member: Rebecca Lambert

Monthly Permit Report

August 2023

	CURRENT MONTH	YEAR TO DATE	PRIOR YEAR MONTH	PRIOR YEAR TO DATE
BUILDING PERMITS	4	32	11	40
HOMES	1	4	1	2
MOBILE HOMES	0	0	0	2
MULTI-FAMILY	0	0	0	0
COMMERCIAL	0	11	0	5
EXEMPT	0	4	0	1
PLUMBING PERMITS				
INTERNAL	1	11	2	11
EXTERNAL	3	9	2	5
DEMO PERMITS	1	9	3	15
SIGN PERMITS	0	3	1	11

Year-to-Date is January 2023 to August 2023