

MAINE STATE LEGISLATURE

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(New Draft of H.P. 469, L.D. 569)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1487

H.P. 1134

House of Representatives, April 19, 1983

Reported by Representative Murray from the Committee on Business
Legislation and printed under Joint Rule 2.

Original bill presented by Representative Allen of Washington.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Amend the Statutes Relating
to Itinerant Sellers.

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

Sec. 1. 32 MRSA §4682-A is enacted to read:

§4682-A. Licenses

1. Issuance. The Department of Business Regula-
tion shall issue to each transient seller and
employee of that transient seller a license which,
among other things, shall indicate that the person
whose name appears thereon is a licensed seller or
employee of a licensed seller under this chapter.

2. Possession and presentation. Every transient
seller of consumer merchandise and each of the
seller's employees shall have a valid license, as re-

1 quired by this chapter, in his immediate possession
2 at all times when engaging in sales of consumer mer-
3 chandise in this State and shall present the license
4 for inspection upon request of any person.

5 3. Penalty. A violation of subsection 2 is a
6 civil violation for which a forfeiture of not more
7 than \$200 may be adjudged.

8 Sec. 2. 32 MRSA §4684-A, as amended by PL 1979,
9 c. 302, §6, is further amended to read:

10 §4684-A. Renewal application

11 A renewal application made upon a form prescribed
12 by the Department of Business Regulation shall be
13 filed ~~biennially~~ by the applicant on October 31st or
14 at such other times as the Commissioner of Business
15 Regulation may designate. The renewal application
16 shall include all changes or additions in the infor-
17 mation required by section 4684. Notice shall be
18 mailed to each person's last known address 30 days in
19 advance of his expiration date. The renewal applica-
20 tion shall be accompanied by a ~~\$10 biennial~~ renewal
21 fee, as provided in section 4685.

22 Sec. 3. 32 MRSA §4685, as amended by PL 1977, c.
23 696, §§385 and 386, is repealed and the following
24 enacted in its place:

25 §4685. License fee and security deposit

26 1. Fee. Every person, including the self-
27 employed or those who employ one or more transient
28 sellers of consumer merchandise, shall pay to the
29 Department of Business Regulation the following fees
30 at the time an application is made for the license
31 or renewal:

32 A. For an original or renewal transient seller's
33 license, \$15; and

34 B. For a license of each employee of transient
35 sellers and for renewals thereof, \$5.

36 2. Dedicated revenues. All fees received under
37 this chapter shall be paid to the Treasurer of State

1 to be used for carrying out this chapter. Any bal-
2 ance of these fees shall not lapse, but shall be car-
3 ried forward as a continuing account to be expended
4 for the same purpose in the following fiscal year.

5 3. Security deposit. Every person, including
6 the self-employed or those who employ one or more
7 transient sellers of consumer merchandise, shall also
8 make a security deposit of \$10,000 or of a sum equal
9 to the anticipated yearly gross revenues in this
10 State, whichever is less, with the Department of
11 Business Regulation for the protection of consumers
12 as described in section 4687. The security deposit
13 may be made by a bond as drawn by the Department of
14 Business Regulation and as secured by a surety
15 approved by the Department of Business Regulation.
16 Only one security deposit shall be required of each
17 business entity engaged in transient sales of con-
18 sumer merchandise.

19 4. License issued. The Department of Business
20 Regulation shall issue to a transient seller of con-
21 sumer merchandise and to employees of that transient
22 seller a license upon receipt of a completed applica-
23 tion in proper form, appropriate fees and a security
24 deposit.

25 FISCAL NOTE

26 Currently, there are only 11 transient sellers
27 licensed in the State. Under the current biennial
28 license structure only up to \$110 would have accrued
29 to the General Fund. The department estimates that
30 this new draft will result in a negligible cost to
31 the General Fund, while helping to defray the costs
32 of administration.

33 STATEMENT OF FACT

34 This new draft, like the original bill, requires
35 transient sellers to carry and present on request
36 proof of licensure.

37 The bill's requirement that vendors carry the li-
38 cense or a copy is replaced by the provision for
39 original licenses for each seller. This mechanism is

1 used in a number of other occupational licensing
2 statutes.

3 In addition, license fees are increased and dedi-
4 cated for the purposes of administering the law.

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