

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 82.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT relating to hawkers and peddlers.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. Any person may go about from town
2 to town, or from place to place in the same town,
3 exposing for sale and selling fruits, provisions, live
4 animals, brooms, agricultural implements, hand
5 tools used in making boots and shoes, fuel, news-
6 papers, books, pamphlets, agricultural products of
7 the United States, and the products of his own
8 labor or of the labor of his family; but nothing
9 in this section shall be so construed as to include
10 among the things that may be so exposed for sale
11 or sold any articles of the growth or production of
12 foreign countries.

SECT. 2. The city council of a city and the inhabitants of a town may authorize the mayor and aldermen or selectmen thereof, to restrain the sale by minors of any goods, wares, or merchandise, the sale of which is permitted by the preceding section; and while such authority remains in force such mayor and aldermen or selectmen may make rules restraining such sales by minors, or may grant licenses to minors to make such sales upon such terms and conditions as they may prescribe; but such rules shall not remain in force beyond their term of office. Whoever is guilty of a violation of the rules so made, and whoever sells any such articles without a license when one has been required, shall forfeit a sum not exceeding ten dollars for each offence.

SECT. 3. The sale and exposing for sale of jewelry, wines, spirituous liquors, playing cards, indigo, and feathers, in the manner specified in section one, is prohibited.

SECT. 4. The secretary of state may grant a license to go about exposing for sale and selling any goods, wares, or merchandise not mentioned in the preceding section, to any person who files in his office a certificate signed by the mayor of a

6 city or by a majority of the selectmen of a town,
7 stating that to the best knowledge and belief of
8 such mayor or selectmen the applicant therein
9 named is of good repute for morals and integrity,
10 and is, or has declared his intention to become a
11 citizen of the United States. The mayor or select-
12 men, before granting such certificate, shall require
13 the applicant to make oath that he is the person
14 named therein, and that he is, or has declared his
15 intention to become a citizen of the United States;
16 which oath shall be certified by a justice of the
17 peace, and shall accompany the certificate.

SECT. 5. The secretary of state shall cause to be
2 inserted in every such license the names of such
3 cities and towns as the applicant selects, with the
4 sums to be paid to the respective treasurers there-
5 of, as provided in the following section, and shall
6 receive from the applicant one dollar for each city
7 or town so inserted. Every person so licensed
8 may sell as aforesaid in any city or town mentioned
9 in his license any goods, wares, and merchandise,
10 not prohibited in section three, upon first paying
11 the required sum to the treasurer of such city or
12 town, who shall certify on the face of the license
13 the sum so paid.

SECT. 6. Every person licensed under the two
2 preceding sections shall pay to the treasurer of
3 each city or town mentioned in his license the
4 sums following: for every town containing not
5 more than one thousand inhabitants, according to
6 the United States census next preceding the date
7 of his license, three dollars; for every town con-
8 taining more than one thousand and not more than
9 two thousand inhabitants, six dollars; for every
10 town containing more than two thousand and not
11 more than three thousand inhabitants, eight dol-
12 lars; for every town containing more than three
13 thousand and not more than four thousand inhabi-
14 tants, ten dollars; and for every city and town
15 containing more than four thousand inhabitants,
16 ten dollars; and one dollar for every one thousand
17 inhabitants over four thousand contained therein;
18 but the sum so to be paid to a treasurer shall in no
19 case exceed twenty-five dollars.

SECT. 7. A person resident in a city or town, in
2 which he pays taxes upon his stock in trade and is
3 qualified to vote, may there expose for sale and
4 sell goods, wares, or merchandise, upon obtaining
5 a license pursuant to the provisions of sections

6 four and five, and without making any payment to
7 the treasurer of such city or town therefor.

SECT. 8. The secretary, upon the conditions
2 required in section four, may grant special state
3 licenses upon payment by the applicant of fifty
4 dollars for each license; and the person so licensed
5 may expose for sale in any city or town in the state
6 any goods, wares, or merchandise not prohibited in
7 section three. He may also grant as aforesaid,
8 upon payment by the applicant of three dollars for
9 each county mentioned therein, special county
10 licenses, and the person so licensed may expose for
11 sale, within such county, any tin, britannia, glass,
12 earthen, iron, plated, or wooden wares of the man-
13 ufacture of the United States, or any other goods,
14 wares, or merchandise manufactured by himself or
15 by his employer and not prohibited in section three,
16 upon paying to the treasurer of the respective
17 counties the aforesaid sum, and upon the receipt of
18 any sum as aforesaid, the treasurer shall certify on
19 the face of the license the amount so received.

SECT. 9. The secretary may also grant a special
2 state or county license to a disabled soldier or
3 sailor belonging to this state, without the payment
4 of any sum therefor, upon satisfactory evidence of

5 the identity of such soldier or sailor, and that he is
6 wholly or partially disabled by reason of wounds
7 received in the service of the United States or by
8 sickness or disability contracted therein, and has
9 received an honorable discharge from said service.

SECT. 10. The secretary shall keep a record of
2 all licenses granted by him, with the number of
3 each, the name and residence of the persons licensed,
4 and the counties, cities, and towns, if any, mentioned
5 therein. The treasurers of counties, cities, and
6 towns shall severally keep records of all licenses
7 upon which the sums provided in this chapter have
8 been paid to them, with the number of each, the
9 names and residences of the persons licensed, and
10 the sums received thereon, and all such records
11 shall be open for public inspection.

SECT. 11. All sums paid to the secretary under
2 this chapter shall be for the use of the state; and
3 all sums paid to the treasurer of a county or town
4 shall be for the use of such county or town.

SECT. 12. Every person licensed to peddle as
2 hereinbefore provided shall post his name, resi-
3 dence, and the number of his license, in a conspic-
4 uous manner upon his parcels or vehicle; and when
5 his license is demanded of him by a mayor, alder-

6 man, selectman, town or city treasurer or clerk,
7 constable, police officer, or justice of the peace, if
8 shall forthwith exhibit it, and, if he neglects or re-
9 fuses so to do, shall be subject to the same penalty
10 as if he had no license. This chapter, or a synopsis
11 thereof, shall be printed on every license.

SECT. 13. No license to go about offering for
2 sale or selling as aforesaid shall operate to defeat
3 or bar a prosecution against the person licensed, if
4 it is proved that he exposed for sale any articles,
5 except such as are permitted in section one, in a
6 county, city or town where he was not licensed to
7 sell, or in which he had not paid the sum mentioned
8 in his license; but no person so licensed shall be
9 required to make payment to the treasurer of a
10 county, city or town before he is prepared to trade
11 therein. The license of a person convicted of a
12 violation of any provision of this or of the pre-
13 ceding sections shall be void.

SECT. 14. Whoever counterfeits or forges a
2 license, or has a counterfeited or forged license in
3 his possession with intent to utter or use the same
4 as true, knowing it to be false or counterfeit, and
5 whoever attempts to sell under a license which has
6 expired, or is forfeited, or which was not granted

7 to him, shall forfeit a sum not exceeding one
8 thousand dollars.

SECT. 15. Whoever goes from town to town, or
2 from place to place in the same town, carrying for
3 sale, or exposing for sale, any of the articles named
4 in section three, or any other goods, wares, or
5 merchandise, except as hereinbefore provided, or
6 takes a residence in a town for a less term than one
7 year for the purpose of so doing, shall forfeit a sum
8 not exceeding two hundred dollars for each offence.

SECT. 16. No hawker, peddler, or other itinerant
2 trader, holding an auctioneer's license, shall sell or
3 expose for sale by public auction, any goods,
4 wares, or merchandise, in any other city or town
5 than that from whose authorities such license was
6 obtained; nor in any place in such city or town,
7 except such as is expressly described or set forth
8 in said license.

SECT. 17. All licenses granted under this chap-
2 ter shall bear date the day in which they are issued,
3 and shall continue in force for one year from such
4 date.

SECT. 18. Constables and police officers shall,
2 within their respective towns and cities, arrest and
3 prosecute every person whom they may have reason

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4 to believe to be guilty of violating the provisions
5 of this chapter; and one-half of any forfeiture
6 which may be incurred and recovered under sec-
7 tion fifteen shall be paid to the complainant.

STATE OF MAINE.

In SENATE, March 8, 1883.

On motion of Mr. BRAGDON of Hancock, laid on the table to be printed.

C. W. TILDEN, *Secretary.*