

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 387

S. P. 366

In Senate, Feb. 6, 1931.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Spear of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

AN ACT Relating to "Itinerant Vendors" and "Hawkers and
Peddlers".

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

Section 1. Section twenty-five of chapter forty-six of the Revised Statutes is hereby amended by striking out after the word "from" in the eighth line thereof the words, "a car, wagon, or other conveyance" and inserting in place thereof the words, 'any building, structure, railroad car,' so that said section as amended shall read as follows:

'Sect. 25. The words "itinerant vendors" for the purposes of this chapter shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or in traveling from place to place selling goods, wares, and merchandise, and who, for the purposes of carrying on such business, hire, lease, or occupy any building or structure for the exhibition and sale of such goods, wares, and merchandise, or who sell goods, wares, and merchandise, at retail from any building, structure, railroad car, steamer or vessel. No itinerant vendor shall be relieved or exempted from the provisions and requirements hereof by reason of association himself temporarily with any local dealer, trader, or merchant, or by conducting such temporary or transient business in connec-

tion with or as a part of the business of, or in the name of any local dealer, trader, or merchant.'

Sect. 2. Section twenty-six of said chapter is hereby amended by striking out after the word "peddlers" in the fifth line, all of said section, and inserting in place thereof the words 'as hereinafter defined', so that said section, as amended, shall read as follows:

'Sect. 26. The provisions of the fifteen preceding sections shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares, and merchandise by sample for future delivery, nor to hawkers or peddlers as hereinafter defined.'

Sect. 3. Section twenty-seven of said chapter is hereby repealed.

Sect. 4. Said chapter forty-six is hereby further amended by adding thereto the following sections:

'Sect. 27. Except as hereinafter expressly provided, the terms "Hawkers" and "peddlers" as used in this chapter shall mean and include any person, whether principal or agent, who goes from town to town or from place to place in the same town selling, carrying for sale, or exposing for sale any goods, wares or merchandise, either on foot, on, or from any animal or vehicle.

Sect. 28. A hawker or peddler who sells, carries for sale, or exposes for sale any goods, wares or merchandise, except as permitted by this chapter, shall forfeit not more than two hundred dollars, to be equally divided between the state and the town in which the offense was committed.

Sect. 29. The provisions of this chapter relating to hawkers and peddlers shall not apply to wholesalers or jobbers selling at wholesale to dealers only, nor to commercial agents or other persons selling by sample, lists, catalogues or otherwise, goods, wares or merchandise for future delivery, nor to any person who peddles only fish, obtained by his own labor or that of his family, fruits, vegetables or other farm produce raised or produced by himself or his family, nor to persons selling newspapers.

Sect. 30. Every hawker and peddler desiring to do a hawking or peddling business in this state shall file an application

for a license for that purpose with the secretary of state, which application shall state his name and the kind of goods, wares or merchandise he proposes to sell. Such hawker or peddler shall pay as a state license fee the sum of fifty dollars. The secretary of state shall thereupon issue to him a hawker's and peddler's license authorizing him to do business in the state in conformity with the provisions of this chapter for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. No person shall be entitled to hold, or directly or indirectly receive the benefit of more than one state license at any one time, and any license obtained, held or used in violation of this section is void.

Sect. 31. The provisions of the preceding section shall not be construed as prohibiting or in any way limiting or interfering with the right of any city or town to regulate or license the carrying on within such municipality the business of hawker or peddler as in this act defined, but shall be in addition thereto.

Sect. 32. Cities and towns may make such reasonable by-laws and regulations not inconsistent with the provisions of this chapter with reference to the selling or hawking upon their public streets of any goods, wares or merchandise, or to the selling or peddling of such articles from house to house within their limits, as they may deem expedient, including the imposition of a reasonable license fee for the right to so sell, hawk or peddle such goods, wares and merchandise.

Sect. 33. Every court or trial justice in every case wherein a person is convicted of the violation of any section of this chapter relative to hawkers and peddlers, shall forthwith transmit to the secretary of state an abstract, duly certified, setting forth the names of the parties, the nature of the offence, the date of hearing, the plea, the judgment and the result.

Sect. 34. In addition to any other penalty provided in this chapter relative to hawkers and peddlers, and imposed by any court or trial justice upon any person for violation thereof, the court or trial justice may suspend a hawker's or peddler's license for a period not exceeding ten days, in which case the magistrate shall take up the license certificate of such person who shall forthwith surrender same, and shall forward it by

registered mail to the secretary of state. The secretary of state may thereupon grant a hearing and take such further action relative to suspending, revoking or restoring such license as he deems necessary.

Sect. 35. Municipal and state courts and trial justices shall have jurisdiction of all complaints and prosecutions under the twenty-four preceding sections.'