

MAINE STATE LEGISLATURE

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H. P. 1437

House of Representatives, February 11, 1941.

Referred to Committee on Legal Affairs and sent up for concurrence.
1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Pierce of Bucksport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT to Tax Coin Vending Machines and to Make Legal the Leasing,
Possession and Operation of the Same.**

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

Sec. 1. Distributor defined; license fee. Any person, firm or corporation engaged in the business of exchanging, leasing, letting or placing for use and operation by another, any coin vending machine shall be known as a distributor and shall make application to the state tax assessor for a distributor's license. If said state tax assessor, after investigation and hearing, is satisfied that the applicant is a suitable person to have such license, he shall issue the same, on payment of a fee of \$1200 and the deposit of a bond in such reasonable amount and condition as said state tax assessor shall, by rule, order or regulation prescribe, which said license shall expire on the 30th day of June, next ensuing, but not over 50 such licenses shall be in force at any one time.

Sec. 2. Revocation of license; appeal; proceedings. Any such license, may, after hearing, be revoked by the state tax assessor for any violation of the provisions of this act or of any rule, regulation or order made by said state tax assessor for the orderly and efficient administration of this act. Any person, firm or corporation aggrieved by the action of said state tax assessor in refusing to issue or revoking any such license may appeal

within 10 days to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice, or any other justice of said court, shall fix a time for hearing, which may be in term time or vacation, and cause notice to be given to the petitioner, the state tax assessor and to such other parties as he may deem interested, and, after hearing, such justice shall affirm or reverse the decision of the state tax assessor and such decision of such justice shall be final.

In case there is no appeal from the decision of the state tax assessor within 10 days or if in case of appeal, the decision is adverse to the petitioner, no refund of license fee shall be made.

Sec. 3. Limitation on number of machines; each to be stamped. No distributor shall have in his own possession or in the possession of his lessees, more than 100 coin vending machines at any one time and on each and every coin vending machine in his own possession or in the possession of his lessees, he shall pay an annual license fee of \$125. Such licenses shall be issued by the state tax assessor and with every license, a stamp shall be issued which shall be affixed to the machine before the same is leased by the distributor to any other person and shall be valid until the 30th day of June next after the same is issued by the state tax assessor.

Sec. 4. Machines must be property of licensed distributors. It shall be unlawful for any person, firm or corporation, other than a duly licensed distributor, to have in his possession any coin vending machine unless the same is hired or leased from a duly licensed distributor and remains the property of said distributor.

Sec. 5. License fee; reports. Any person, firm or corporation before operating any coin vending machine as lessee of a distributor, shall pay to the state tax assessor a license fee of \$10 for each machine he is to operate and a stamp showing the payment of said license shall be affixed to each machine. Upon lease by a distributor to a lessee, of any such machine, said distributor shall immediately make a report to the state tax assessor, giving the name and address of the lessee, the number of machines leased and such other information as said state tax assessor may in his rules and regulations require.

Sec. 6. Rules and regulations. The state tax assessor shall have full power to administer the provisions of this act. He may make all reasonable and necessary rules, orders and regulations for the effective and orderly administration of this act and may employ such persons as may be in his judgment necessary for the administration and enforcement of the same.

Sec. 7. Expenses; use of revenue. All expenses incurred under the provisions of this act shall be paid from the revenue produced by the fees herein established. After payment of said expenses, all revenue produced by this act shall be paid into the state treasury by said state tax assessor and constitute a part of the general funds of the state and the state tax assessor is hereby authorized to abate to the various cities, towns and plantations of the state the entire net proceeds of the revenue produced by this act; the same to apply as a credit on the amount due from said cities, towns and plantations on the state tax assessed against them for each year, the abatement to each of said political subdivisions being based upon the proportion which its state tax bears to the entire state tax.

Sec. 8. Limitation on use of machines; penalty. No lessee of a distributor shall allow any minor or intoxicated person to play or operate any coin vending machine, nor shall any person be allowed to play or operate the same on Sunday.

For violation of any of the provisions of this section the state tax assessor may, after hearing, order the distributor of said machine or machines, so operated, to remove the same from the possession of the lessee and said lessee shall not again be licensed to operate or have in his possession any game of skill as defined in this act. Any person aggrieved by the decision of said state tax assessor may appeal to any judge of the superior court as provided in section 2 of this act.

Sec. 9. Penalty. Any person violating any of the provisions of this act or any rule, order or regulation of the state tax assessor made under authority of this act shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

Sec. 10. Amending clause. So much of chapter 136 of the revised statutes as declares the possession, operation, buying, selling, leasing, or other use of any coin vending machine to be illegal is hereby repealed and the leasing, operation and possession of said machines is hereby declared to be lawful, if in accordance with the provisions of this act.