

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and First Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

---

The Knowlton and McLeary Company  
Farmington, Maine  
1963

---

---

PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundred and First Legislature

1963

---

---

## Chapter 223

### AN ACT Relating to Qualifications for Voting on Indian Reservations.

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

**R. S., c. 3-A, § 205, sub-§ IV, amended.** The 2nd sentence of subsection IV of section 205 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'If an applicant ~~meets the qualifications of chapter 25, section 321, and if he~~ has been a resident of the district for 3 months, and meets the requirements of ~~Article II, Section 1, of the Constitution of the State of Maine, Article II, Section 1,~~ the registration commissioner may permit him to register as a voter and enroll as a member of any political party.'

Effective September 21, 1963

## Chapter 224

### AN ACT Relating to Disposition of Security Under Financial Responsibility Law.

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

**R. S., c. 22, § 77, sub-§ IV, ¶ A, additional.** Subsection IV of section 77 of chapter 22 of the Revised Statutes is amended by adding a new paragraph A, to read as follows:

'A. If no disposition of security so furnished is made in accordance with this section or if no request for its return is made for a period of 10 years from the date of the accident, such deposit shall be deemed presumptively abandoned and shall be paid into the State Treasury, and credited to the General Fund for the use of the State. Thereafter, no action at law or in equity shall be maintained in any court in this State by any depositor or his heirs, successors or assigns for any deposit so paid. Thereafter any lawful claimant may petition the Governor and Council for payment of such moneys to the claimant. In his petition the claimant shall state fully the facts showing the basis of his right, title and interest in such deposit. The Governor and Council, after a hearing, shall determine who are lawful claimants and shall authorize payment by the Treasurer of State from the General Fund to such claimants.'

Effective September 21, 1963

## Chapter 225

### AN ACT Revising the Law Relating to Closing-Out Sales.

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, there are numerous closing-out sales at all times throughout the State of Maine; and

Whereas, regulating such sales is in the best interest of the people of the State of Maine; and

Whereas, in order to prevent misleading and harmful practices in such sales to the detriment of the people of the State of Maine the following legislation is vitally necessary; and

Whereas, such legislation should become effective for the spring and summer of 1963; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., c. 100, § 79-A, amended.** Section 79-A of chapter 100 of the Revised Statutes, as enacted by section 1 of chapter 207 of the public laws of 1955, is amended to read as follows:

**‘Sec. 79-A. License required to conduct closing-out sales, and requirements for obtaining.** No person or persons shall offer for sale a stock of goods, wares or merchandise under the designation of “closing-out sale,” “going out of business sale,” “discontinuance of business sale,” “entire stock must go,” “must sell to the bare walls,” or other designation which states, directly or by implication, an intent by such person or persons to dispose of the entire stock of goods with a view to permanently terminating further business after such disposal is complete, unless such person or persons shall have first complied with the following requirements:

**I. Inventory; license.** That such person or persons shall, before the beginning of such disposal sale, obtain, from the municipal officers of the city or town in which such sale shall be conducted, a license to conduct such sale. To obtain such license ~~the applicant~~ such person or persons shall make application therefor under oath and shall pay to the said municipal officers a fee of \$25 and shall file with said municipal officers, in writing and under oath, a complete inventory of all items to be included in such sale. Such license shall be valid and effective for a period of 60 days from date of issuance, unless revoked as ~~hereinafter~~ provided, and the validity of such license may be extended for a period of 60 additional days if the licensee shall furnish to the said municipal officers an affidavit to the effect that all goods, wares or merchandise listed in the ~~above mentioned~~ inventory have not been disposed of within the original 60-day period.

**II. No additional merchandise.** That such person or persons shall affirm, in writing and under oath, to the said municipal officers that no merchandise

shall be included in the stock offered for sale unless said merchandise shall have been in or at the place of business wherein or whereat such sale is to be conducted at the time of the opening of the sale, but if such person or persons shall have been in the same business for which said sale is being conducted for less than 2 years of continuous operation in said community, such person or persons shall affirm, in writing and under oath as aforesaid, that none of said merchandise was purchased prior to the time of the opening of said sale for the purpose of selling and disposing of the same at said sale, and any unusual purchases and additions to the stock of such goods, wares or merchandise made within 60 days prior to the filing of the application for said license shall be prima facie evidence that such purchases and additions were made in contemplation of such sale.

**III. License issued.** Upon compliance with the requirements of this section, the municipal officers shall issue the license forthwith. The municipal officers shall preserve all applications for license and other papers filed in connection therewith as a permanent record in their office, and shall endorse thereon the dates of filing, and the granting or denial of said license, and shall make an abstract of any other proceedings taken in connection therewith.

**IV. False statements.** Any person who willfully makes a false statement in the application or any other papers required to be filed under oath shall, upon conviction, be deemed guilty of perjury.

**V. Continuation of business.** After the termination date of said sale and any extension thereof, granted as provided, the person or persons to whom the license was granted shall not continue the business under the same or a different name, at the same location or elsewhere in the same municipality, contrary to the designation of such sale.'

**Sec. 2. R. S., c. 100, § 79-B, amended.** Section 79-B of chapter 100 of the Revised Statutes, as enacted by section 1 of chapter 207 of the public laws of 1955, is amended to read as follows:

**'Sec. 79-B. Violations and penalties.** Any licensee under the foregoing conditions of section 79-A, who shall in any way fail to comply with those conditions, or any person or persons who shall conduct such a disposal sale without first having obtained such license, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, and each day on which a sale is conducted in violation of any of these provisions shall constitute a separate offense. In addition to the penalties set forth, the Superior Court shall have jurisdiction, upon the complaint of any person, to enjoin any sale, or other acts, being performed in violation of section 79-A.'

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.