

MAINE STATE LEGISLATURE

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Transient Sales Act
STATE OF MAINE

Inter-Departmental Memorandum Date November 2, 1977

To Mary Ellen Peaslee, Director

Dept. Central Licensing Division
Business Regulation

From S. Kirk Studstrup, Assistant

Dept. Attorney General

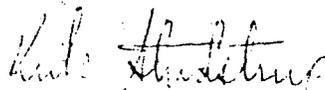
Subject P.L. 1977, c. 440 - Transient Sales

In your memorandum of October 31, 1977, you requested an interpretation of this office of the first sentence of the newly enacted 32 M.R.S.A. § 4682. That sentence, which was enacted by P.L. 1977, c. 440 (L.D. 282, as amended by committee amendment "A", H-710), reads:

"Every person including the self-employed, who employs one or more transient sellers of consumer merchandise shall apply to the Department of Business Regulation and acquire a state license in the manner set forth in section 4684 before engaging in sales of consumer merchandise in this State."

In our telephone conversation of Friday, October 28, 1977, you stated that your question was whether one person, operating by himself, who is involved in transient sales of consumer merchandise in this State would be required to obtain a state license. The question apparently arises from the words "... who employs one or more transient sellers of consumer merchandise. . . ."

It is my opinion that the words "... including the self-employed . . ." in the statute makes it clear that the Legislature intended that all transient sellers of consumer merchandise, as defined in 32 M.R.S.A. § 4681(7), should obtain a state license, regardless of whether he or she employs any one else in this activity. In this regard, a seller who is operating by himself would be considered "self-employed" and, therefore, for purposes of this section would be employing "one or more transient sellers of consumer merchandise" and would be required to obtain a license.



S. KIRK STUDSTRUP
Assistant Attorney General

SKS:mfe