

MAINE STATE LEGISLATURE

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New Draft of: H. P. 100, L. D. 140
(New Title)

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1579

H. P. 1147

House of Representatives, May 2, 1961

Reported by Mr. Berry from Committee on Legal Affairs. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Revising the Laws Relating to Auctioneers.

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

Sec. 1. R. S., c. 100, § 84, repealed and replaced. Section 84 of chapter 100 of the Revised Statutes, as amended by section 1 of chapter 378 of the public laws of 1955, is repealed and the following enacted in place thereof:

'Sec. 84. Resident auctioneers licenses. Every resident person in the State desiring to do business as an auctioneer in the State who is over 21 years of age, submits evidence of good moral character and satisfies the Secretary of State, or an agent designated by him, that he has knowledge of the laws of this State pertaining to auctions and sales, the ethics and practices of auctioneers and such other related subject as the Secretary of State may select, upon application in form designated by the Secretary of State and by payment of \$15, shall receive a one-year license to conduct auctions. Said license shall be renewed annually upon payment of a fee of \$10. In addition, any municipality may require a local license to hold auctions therein of more than 3 days duration upon payment of a local license fee not to exceed \$10.'

Sec. 2. R. S., c. 100, § 85, amended. The first paragraph of section 85 of chapter 100 of the Revised Statutes is repealed and the following enacted in place thereof:

'Every nonresident person desiring to do business as an auctioneer in this State must obtain an auctioneer's license. The Secretary of State may issue a license to any nonresident auctioneer duly licensed as an auctioneer in the State in which he resides without an examination; provided such other state permits an

auctioneer's license to be issued to a licensed resident auctioneer of this State without examination, upon compliance with the following requirements:

I. Proof. The applicant shall furnish proof to the Secretary of State that he is licensed to conduct auctions in the state in which he resides.

II. Bond. The applicant shall file with the Secretary of State an approved surety company bond conditioned upon satisfying any judgment for damages sustained by any person arising out of any auction to be conducted by him. The penal sum of such bond shall be at least \$2,000. This bond provision may be waived if the applicant deposits with the Secretary of State cash security in a like amount.

III. Fee. The applicant shall pay an initial license fee of \$50.'

Sec. 3. R. S., c. 100, § 86-A, additional. Chapter 100 of the Revised Statutes is amended by adding a new section 86-A, to read as follows:

'Sec. 86-A. Revocation or suspension; appeal. The Secretary of State upon complaint, notice and hearing may revoke or suspend any license after proof that the licensee has been convicted of a crime involving moral turpitude; has failed, within a reasonable time, to account for or remit any moneys coming into his possession which belong to others, or committed any other act of a dishonest or fraudulent nature.

Any person who is aggrieved by any act of the Secretary of State under this chapter shall have the right to appeal to the Superior Court in Kennebec County.'

Sec. 4. R. S., c. 100, § 89, amended. The last paragraph of section 89 of chapter 100 of the Revised Statutes is repealed.

Sec. 5. R. S., c. 100, § 90, amended. Section 90 of chapter 100 of the Revised Statutes is amended to read as follows:

'Sec. 90. Return of bond or cash security; limitation of action. If any licensee shall desire to surrender his license or shall desire not to renew the same, he may so notify the Secretary of State, who, at the end of one year from the date thereof, shall return to such licensee his ~~deposit of \$100~~ surety company bond or cash security, and the right to make service of any legal process upon the Secretary of State, as ~~hereinbefore~~ provided, shall then terminate.'

Sec. 6. R. S., c. 100, § 92-A, additional. Chapter 100 of the Revised Statutes is amended by adding a new section 92-A, to read as follows:

'Sec. 92-A. Penalty. Whoever, without an auctioneer's license, represents himself to be a licensed auctioneer or conducts any auction sale in this State, shall be punished by a fine of not more than \$200.'