

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1474

H. P. 1139

House of Representatives, March 13, 1973

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mrs. Boudreau of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Revising the Itinerant Vendor Law.

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

Sec. 1. R. S., T. 32, § 4502, amended. Section 4502 of Title 32 of the Revised Statutes is amended to read as follows:

§ 4502. Exemptions

This chapter 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 made by those who sell goods, wares and merchandise at retail from a car, wagon or other conveyance, steamer or vessel, **nor to sales of agricultural or fishery products**, nor to hawkers or peddlers on the streets or peddlers from vehicles.

Sec. 2. R. S., T. 32, § 4551, amended. The first and 2nd sentences of section 4551 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

Every itinerant vendor desiring to do business in one location in this State shall deposit with the Secretary of State as a special deposit for consumer protection the sum of \$1,000 and after such deposit and upon application in proper form and the payment of a further sum of \$250 as a state license fee, the Secretary of State shall issue an itinerant vendor's license to the applicant authorizing him to do business in the specified location in conformity with this chapter for the period of time requested, but in any case to be no longer than one calendar year. For each additional location the itinerant vendor applicant, in order to obtain an itinerant vendor's license to do business at

such additional location or locations, shall deposit the sum of \$500 for consumer protection with the Secretary of State for each and every additional location and a license fee of \$50 for each and every additional location in which the applicant desires to do business. Every license shall set forth a copy of the application including the specific location or locations for doing business upon which the license is granted.

Sec. 3. R. S., T. 32, § 4552, amended. The first sentence of section 4552 of Title 32 of the Revised Statutes is amended to read as follows:

All applications for state licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interests said business is conducted, **the specific location or locations of doing business and the business address or addresses**, and shall be kept on file by the Secretary of State, and a record shall be kept by him of all licenses issued upon such applications. Upon issuance of the license, **the Secretary of State shall notify the municipal clerk of the community where the itinerant vendor has requested a license to do business and shall send a copy of the itinerant vendor application to the municipal clerk.**

Sec. 4. R. S., T. 32, § 4555, amended. The 2nd sentence of section 4555 of Title 32 of the Revised Statutes is amended to read as follows:

He shall then hold the special deposit of each licensee mentioned in section 4551 for the period of ~~60~~ 90 days, and after satisfying any and all claims made upon the same under section 4556, shall return said deposit or such portion of the same, if any, as may remain in his hands, to the licensee depositing it.

Sec. 5. R. S., T. 32, § 4556, amended. The 5th sentence of section 4556 of Title 32 of the Revised Statutes is amended to read as follows:

All claims upon the deposit shall be satisfied after judgment, fine or penalty, in the order in which notice of the claim is received by the Secretary of State, until all such claims are satisfied or the deposit exhausted, but no notice filed after the expiration of the ~~60~~ 90 days' limit shall be valid.

Sec. 6. R. S., T. 32, § 4651, amended. Section 4651 of Title 32 of the Revised Statutes is amended to read as follows:

§ 4651. Lack of license

Any itinerant vendor who sells or exposes for sale, at public or private sale, any goods, wares and merchandise without state and local licenses therefor, issued as provided, shall be punished for each offense by a fine of not more than \$200 or by imprisonment for not more than 90 days, or by both, **each sale being considered a separate offense.**

STATEMENT OF FACT

The purpose of this legislation is to increase both the deposits and license fees for those types of businesses that enter into a community, remain for a brief period of time and depart.