

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 213

S. P. 73

In Senate, January 16, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Cummings of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Record of Sales of Used Merchandise of Auctioneers.

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

Sec. 1. 32 MRSA, § 251, first sentence, as last amended by PL 1971, c. 598, § 67, is further amended to read:

Every resident person in the State desiring to do business as an auctioneer in the State who is over 18 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, **the laws relating to the record of sales of used merchandise** and such other related subjects 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.

Sec. 2. 32 MRSA, § 254, first sentence, as amended by PL 1973, c. 303, § 3, is further amended to read:

The Administrative Court Judge under Title 5, chapters 301 to 307, 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, **has failed to comply with or properly maintain records required by Title 15, section 456**, or committed any other act of a dishonest or fraudulent nature.

STATEMENT OF FACT

There is no reference in the law licensing auctioneers to the requirements of Title 15, section 456 wherein a dealer in used personal property must maintain a record of all items sold to him or that failure to so maintain the record subjects the buyer to a fine. Failure to properly maintain this record should also be one of the bases for suspension or revocation of an auctioneer's license.