

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 592

H. P. 470

House of Representatives, February 11, 1975

Speaker laid before the House and on motion of Mr. Faucher of Solon, referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Faucher of Solon.

Cosponsor: Mr. Carey of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Requiring Licensing of Antique and Used Furniture Dealers and
Their Keeping of Records.

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

32 MRSA c. 68 is enacted to read:

CHAPTER 68

USED FURNITURE AND ANTIQUE DEALERS

§ 4471. License

Every person desiring to do business as a dealer of antiques or used furniture 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 sales of antiques or used furniture, the ethics and practices of antique or used furniture dealers and other such 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 deal in antiques or used furniture. Said license shall be renewed annually upon payment of a fee of \$10.

§ 4472. State license; application

All applications for state licenses shall be sworn to and shall disclose the name, age and residence of the applicant, if an individual; if a firm, the names, ages and residences of each firm member and the address at which such firm conducts its business; and if a corporation, its name, residence, state of incor-

poration and the name and residences of the offices and their official capacities; which shall be kept on file by the Secretary of State, together with a record of all licenses issued upon such applications. All files and records shall be in convenient form and open for public inspection.

§ 4473. Revocation or suspension; appeal

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, or committed an act of a dishonest or fraudulent nature.

Any person who is aggrieved by any act of the Secretary of State or the Administrative Court Judge under this chapter shall have the right to appeal as set forth in Title 5, chapters 301 to 307.

§ 4474. Charitable and nonprofit organizations exempt

This chapter shall not apply to sales of antiques or used furniture held by charitable, educational, religious or other nonprofit organizations.

§ 4475. Record

All licensees shall maintain a record of their purchases and sales of antiques or used furniture. The record shall include a description of the goods sold or purchased, the price paid, the form of payment, the name and address of the party that the licensee purchased the goods from or the party that the licensee sold the goods to, and the date of this transaction. Each record shall be kept for 3 years.

§ 4476. Penalties

Whoever, without an antique or used furniture dealer's license, represents himself or herself to be a licensed dealer in these goods or conducts a sale of these goods in this State shall be punished by a fine of not more than \$200.

STATEMENT OF FACT

The purpose of this Act is to establish licensing and record-keeping procedures for all state dealers in antiques and used furniture and thereby aid citizens against such practices, intentional or not, as the purchase and subsequent sale by dealers of stolen antiques or used furniture.