

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1315

H. P. 1009

House of Representatives, March 21, 1975

Speaker laid before the House and on Motion of Mrs. Clark of Freeport referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Burns of Anson.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Requiring Secondhand Retail Dealers to be Licensed.

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

32 MRSA c. 61-A is enacted to read:

CHAPTER 61-A

SECONDHAND RETAIL DEALERS

§ 4162. Secondhand retailers

1. Purpose. The purpose of this chapter is to license and permit inspections of secondhand retail dealers to prevent any traffic in stolen or misappropriated secondhand goods.

2. License required. Any person, partnership or corporation operating a secondhand retail business shall be licensed by the Commissioner of Public Safety upon the payment of a fee of not more than \$100, the exact amount to be determined by the commissioner based upon the costs of administering and enforcing this section. "Secondhand retail business" as used in this section includes pawnshops and retail antique dealers.

3. Reports. Each secondhand retailer licensed under this section shall file a weekly report with the Chief of the State Police which lists every item purchased by the retailer during that week, together with a description of the item and a serial number of the item if a serial number is available.

4. Implied consent to search.

A. Every secondhand retailer licensed under this section shall be deemed to have consented to searches by state or county law enforcement officials for the purpose of inspecting the inventory of that retailer to ensure that none of the inventory is stolen or misappropriated.

B. Every owner and driver of any vehicle in transit to or from any secondhand retail dealer licensed under this section shall be deemed to have consented to a search of that vehicle by state or county law enforcement officials for the purpose of inspecting the vehicle to see if it contains stolen or misappropriated secondhand goods. This search shall be conducted within a reasonable distance of the retailer's place of business.

5. Rules and regulations. The Commissioner of Public Safety is authorized to make any rules and regulations necessary to enforce the purposes of this section.

6. Suspension or rescinding of license. If any secondhand retailer licensed under this section refuses or neglects to submit a weekly report as required by subsection 3 or refuses to submit to a search under subsection 4 of its premises or of a vehicle owned or controlled by it, the Commissioner of Public Safety shall, after a public hearing, suspend or rescind that retailer's license.

STATEMENT OF FACT

This Act will require secondhand retail dealers to be licensed in order to prevent traffic in stolen or misappropriated secondhand goods.