

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
109TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. S-447)

COMMITTEE AMENDMENT "A " to S.P. 708, L.D. 1844, Bill,
"AN ACT Relating to the Qualifications for the Licensing of
Auctioneers."

Amend the bill by striking out section 1 and inserting in
its place the following:

'Sec. 1. 32 MRSA §273, first sentence, as enacted by PL
1979, c. 478, §2, is amended to read:
person

Every resident in this State desiring to do business as an
auctioneer ~~shall file an application on a form designated by
the commissioner~~ who satisfies the Commissioner of Business Regu-
lation, hereinafter referred to as the commissioner, 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 commissioner
may select, upon application in form designated by the commiss-
ioner, shall receive a license to conduct auctions.'

Further amend the bill by striking out section 3 and inserting
in its place the following:

'Sec. 3. 32 MRSA §278, sub-§2, ¶A, as enacted by PL 1979,
c. 478, §2 is amended to read:

A. Conviction of the licensee of a violation ~~involving theft,
burglary, forgery, fraud or tampering with official records
as provided in~~ of the Maine Criminal Code, Title 17-A,
chapter 15, 19 or 37 or of a Class A, Class B or Class C crime her
under or of a felony under federal law;'

Further amend the Bill by striking out section 6 and inserting in its place the following:

'Sec. 6. 32 MRSA §278, sub-§2, ¶D is enacted to read:

D. Any act in violation of this chapter.'

Further amend the Bill by striking out section 7 and inserting in its place the following:

'Sec. 7. 32 MRSA §281, sub-§4 is enacted to read:

4. Foreclosure sales. This chapter shall not apply to any individual conducting a foreclosure sale pursuant to a court order.'

Further amend the bill by adding the following before the statement of fact:

'Sec. 9. 32 MRSA §284 is enacted to read:

§284. Receipts and disbursements

The commissioner shall receive and account for all moneys derived under this chapter and shall pay the same to the Treasurer of State, who shall keep the money in a separate fund to be known as the "Auctioneers' Fund." The commissioner may authorize such expenditures from the fund as are necessary for the purpose of administering and enforcing this chapter. The expenditures of the department may not in any year exceed the amount of money remaining in the fund.

Any moneys remaining in the Auctioneers' Fund at the end of the fiscal year shall be carried forward to the credit of the fund for the succeeding year.'

Statement of Fact

This amendment does the following:

1. Deletes the essentially meaningless requirement that applicants be "of good moral character."
2. Makes certain references to the Maine Criminal Code more specific.
3. Makes a violation of the chapter grounds for license refusal, suspension, revocation or nonrenewal.
4. Requires an attorney to obtain a license if he is conducting a foreclosure sale not pursuant to a court order. and
5. Dedicates license fees to a special account in order to administer the chapter.

Reported by the Committee on Business Legislation.

Reproduced and distributed pursuant to Senate Rule 11-A.

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