

# MAINE STATE LEGISLATURE

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(Governor's Bill)  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1844**

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S. P. 708

In Senate, January 22, 1980

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Clark of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT Relating to the Qualifications for the Licensing of Auctioneers.**

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

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

Every resident in this State desiring to do business as an auctioneer, ~~shall file an application on a form designated by the commissioner who submits evidence of good moral character and satisfies the Commissioner of Business Regulation, 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 commissioner, shall receive a license to conduct auctions.~~

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

~~Refusal to issue an original license and an existing license may be revoked or suspended or nonrenewed for any of the following reasons or revocation, suspension or nonrenewal may be based on any of the following grounds:~~

**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 the Maine Criminal Code, Title 17-A~~ **falsification in official matters, fraud and any Class A, B, or C crime under Maine law or a felony under federal law;**

**Sec. 4. 32 MRSA § 278, sub-§ 2, ¶B**, as enacted by PL 1979, c. 478, § 2, is amended to read:

**B.** Failure to comply with or properly maintain records required by Title 15, section 456; ~~or~~

**Sec. 5. 32, MRSA § 278, sub-§ 2, ¶C**, as enacted by PL 1979, c. 478, § 2, is repealed and the following enacted in its place:

**C.** Failure, within reasonable time, to account for or remit any moneys coming into his possession which belong to others; or

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

**D. Committing any other act of a dishonest or fraudulent nature.**

**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 or to any attorney conducting a foreclosure sale.**

**Sec. 8. 32 MRSA § 283, sub-§ 2**, as enacted by PL 1979, c. 478, § 2, is amended to read:

**2. Highest bidder acknowledged.** ~~Whether or not~~ **That** the highest bidder will be acknowledged by the auctioneer;

#### STATEMENT OF FACT

This bill restores language found in the law prior to amendment by Public Law 1979, c. 478, because those amendments serve to reduce the abilities of the commissioner to enforce the provisions of the law. Section 1 restores entry level qualifications for auctioneers. Section 2 clarifies confusing language. Section 3 expands the list of crimes to include federal offenses and other major felonies under state law beyond the ones given currently in the law Sections 5 and 6 restore as grounds for disciplinary action requirements that previously existed. Section 7 exempts individuals involved in public foreclosure sales from the jurisdiction of this law. Section 8 clarifies confusing language.