

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1430

S. P. 503

In Senate, March 20, 1981

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Gill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Regulate Dealers in Precious Metals and Stones and Jewelry for Resale and Scrap.

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

32 MRSA c. 12 is enacted to read:

CHAPTER 12

DEALERS IN PRECIOUS METALS AND STONES

AND JEWELRY FOR RESALE AND SCRAP

§ 711. Purpose

1. **Legislative findings.** The Legislature finds that the price of gold, silver and other precious metals, precious stones and jewels has increased dramatically in the past 5 years. Consequently, dealers in these articles have proliferated, and there is a greater incentive for the theft and resale of precious metals, precious stones and jewelry.

2. **Intent.** It is the intent of the Legislature to assist law enforcement agencies in their efforts to retrieve stolen precious metals, precious stones and jewelry, and ultimately to return the same to the rightful owner.

3. **Administration and enforcement.** This chapter shall be administered by the municipalities and enforced by any law enforcement agency.

§ 712. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Dealer.** “Dealer” means any person who conducts transactions in precious metals, precious stones and jewelry for resale or scrap.
2. **Jewelry.** “Jewelry” means ornamental pieces made of precious metals or set with a precious stone or stones and which are worn for personal adornment.
3. **Precious metals.** “Precious metals” means gold, silver or platinum and any alloy containing gold, silver or platinum, whether or not they are in a worked or unworked state.
4. **Precious stones.** “Precious stones” means any cut and polished gemstone.
5. **Transaction.** “Transaction” means any purchase, sale, transfer, exchange or barter, offer for sale or purchase, promise to sell or buy, attempt to sell or buy any precious metal, precious stone or jewelry.

§ 713. Registration; penalty; procedure

1. **Registration required.** No dealer may conduct transactions in precious metals, precious stones or jewelry unless that dealer is registered under this chapter.
2. **Penalty.** Any dealer who conducts transactions in precious metals, precious stones or jewelry in violation of subsection 1, commits a civil violation for which a forfeiture of not less than \$500 nor more than \$1,000 shall be adjudged.
3. **Procedure.** A dealer shall register with the town clerk of the municipality in which the dealer plans to do business before commencing any transactions.

§ 714. Record keeping; penalty; procedure

1. **Record keeping required.** No dealer may conduct transactions in precious metals, precious stones or jewelry unless that dealer maintains business records as specified under this chapter.
2. **Penalty.** Any dealer who conducts transactions in precious metals, precious stones or jewelry in violation of subsection 1 commits a civil violation for which a forfeiture of not less than \$100 nor more than \$250 shall be adjudged.
3. **Procedure.** A dealer shall keep a record of any item in a transaction. Each dealer shall submit the record of each transaction to the town clerk with whom a dealer has registered under section 713.

§ 715. Registration forms

Registration shall be made on forms purchased by the municipality from the Secretary of State. The registrant shall provide his name, date of birth, residence and address, and the name and address of the principal place of business of his employer.

§ 716. Valid for one year

Registrations under this chapter are valid for one year from the date of registration, in the municipality of registration.

§ 717. Itinerant dealers

A dealer with no permanent place of business in a municipality, who wishes to conduct transactions in that municipality, shall register with the town clerk before conducting any transactions in that municipality. Registration is required each time that dealer opens or reopens his business in any municipality.

§ 718. Fee

The registration fee is \$10, payable to the municipality in which the dealer registers.

§ 719. Record-keeping forms

Records shall be kept on forms purchased by the municipality from the Secretary of State. The dealer shall provide the date of the transaction; the name, date of birth and address of the other party to the transaction; a detailed description of the item involved, including identifying marks and characteristics; a serial number of the item, when possible; and the signature of the other party to the transaction.

§ 720. Holding period

No dealer may make any further transaction or alteration in the physical characteristics of any precious metal, precious stone or item of jewelry for a 5-day period which commences when the dealer submits the business records to the town clerk with whom he has registered under this chapter. Each dealer shall inform the town clerk of the location where the items will be held if they are removed from the municipality where the dealer has registered before the expiration of the 5-day period.

§ 721. Construction

This chapter does not preempt a holding period of more than 5 days, which may be required by any municipal ordinance.

STATEMENT OF FACT

The purpose of this bill is to give law enforcement agencies the opportunity to retrieve stolen precious metals, precious stones and jewelry before the articles can be altered, melted down or sold out of the State. The law requires that a dealer in such articles: Register in the municipality in which he wishes to do business; keep records of all transactions which will be submitted to the municipality in which he does business; and refrain from the resale or alteration of any article covered in this chapter for a period of 5 days after the appropriate records, are submitted to the municipality. This chapter is necessary because the recent

dramatic rise in the price of gold, silver, precious stones and jewelry has led to an increase in the number of thefts of such items. This bill will provide a law enforcement investigator with an initial source of information in his search for a stolen article.