

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1654

H.P. 1204

House of Representatives, January 9, 1996

An Act to Correct the Law Relating to Small Auctioneers.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DEXTER of Kingfield.

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

2
4 **Sec. 1. 32 MRSA §270, sub-§5**, as enacted by PL 1995, c. 402,
Pt. A, §10, is amended to read:

6 **5. Small auctioneer.** "Small auctioneer" means any person
8 who conducts or offers that person's service to conduct auctions,
contracts or offers to contract with consignors of real or
10 personal property, with or without receiving or collecting a fee,
commission or other valuable consideration, or sells or offers to
12 sell property at auction and who receives \$10,000 or less in
gross income annually from auction sales or from salaries for
14 auction sales collected from auction companies.

16 **Sec. 2. 32 MRSA §272-A, first and 2nd ¶¶**, as enacted by PL 1995,
c. 402, Pt. A, §13, are amended to read:

18 An applicant for licensure shall indicate on the application
20 form to the board whether the applicant expects to earn \$10,000
or less in gross income annually from auction sales or from
22 salaries for auction sales collected from auction companies
during the licensure period. Applicants who meet the provisions
of this chapter and who expect to earn \$10,000 or less in gross
24 income annually from auction sales or from salaries for auction
sales collected from auction companies during the licensure
26 period must be licensed as small auctioneers and a license fee
may not be charged.

28 An applicant for renewal of a small auctioneer's license
30 shall submit a copy of that applicant's federal and state income
tax forms, showing gross annual income from auction sales or from
32 salaries for auction sales collected from auction companies
during the prior licensure period. In order to be licensed an
34 applicant must state on the application that the applicant
expects to earn \$10,000 or less in gross income annually from
36 auction sales or from salaries for auction sales collected from
auction companies during the prospective licensure period. Upon
38 confirming that the gross income or salary requirement has been
met during the prior licensure period and is expected to be
40 maintained throughout the prospective licensure period, the board
shall renew the applicant's small auctioneer license and may not
42 charge a fee for renewed licensure. Upon finding that the gross
income or salary requirement from auction sales during the prior
44 period is not met or is expected to be exceeded in the
prospective licensure period, the board shall renew the license
46 at the level of auctioneer and charge the requisite fee.

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STATEMENT OF FACT

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52 This bill amends the definition of small auctioneer by
clarifying that the \$10,000 received may come from annual income
or salaries for auction sales collected from auction companies.