

MAINE STATE LEGISLATURE

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R.O.S

L.D. 1715

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BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE SENATE 121ST LEGISLATURE SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S.P. 647, L.D. 1715, Bill, "An Act To Facilitate the Recovery of Stolen Property"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 15 MRSA §456, as repealed and replaced by PL 1981, c. 232, is repealed.'

Further amend the bill by striking out all of section 4 and inserting in its place the following:

'Sec. 4. 30-A MRSA c. 183, sub-c. 7 is enacted to read:

SUBCHAPTER 7

DEALERS IN USED PERSONAL PROPERTY

§3971. Sales of used personal property

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dealer in used personal property" or "dealer" means a consignment merchant, a merchant or a secondhand dealer but does not include a pawnbroker as defined in section 3960, subsection 2 or a junk collector.

B. "Used personal property" means and is limited to the following: watches; diamonds, gems and other precious stones; fishing rods, reels and tackle; audio and video

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "B" to S.P. 647, L.D. 1715

2 electronic equipment, including television sets, compact
3 disc players, radios, amplifiers, receivers, turntables,
4 audio tape recorders, video tape recorders, speakers and
5 citizens' band radios; computer equipment; radar detectors;
6 depth finders; trolling motors; outboard motors; sterling
7 silver flatware and serving pieces; photographic equipment,
8 including cameras, video and film cameras, lenses,
9 electronic flashes, tripods and developing equipment;
10 microwave ovens; animal fur coats; marine equipment; video
11 games and cartridges; power lawn and landscape equipment,
12 including lawn mowers; office equipment, including copiers,
13 fax machines and postage machines but excluding furniture;
14 sports equipment, including golf clubs; weapons, including
15 firearms, knives, swords and air guns; telephones, including
16 cellular and cordless; tools; calculators; musical
17 instruments, excluding pianos and organs; bicycles;
18 typewriters; motor vehicles; gold, silver, platinum and
19 other precious metals, excluding coins; and jewelry,
20 excluding costume jewelry.

21 **2. Records required.** Every dealer in used personal property
22 shall record the following information before completing the
23 purchase of any used personal property:

24 A. The date of the purchase;

25 B. The seller's name and address; and

26 C. A brief description of the property, including any
27 identification numbers.

28 Before recording the information required by this subsection, a
29 dealer shall require reasonable written proof of the seller's
30 identification in the form of a motor vehicle operator's license,
31 military identification card, adult liquor identification card or
32 similar item.

33 **3. Form of records.** The records required by subsection 1
34 must be kept for the purpose of complying with this section,
35 maintained in order by date of purchase and contained either in a
36 bound volume or ledger or in a binder in which pages can be
37 affixed.

38 **4. Weekly report.** A dealer in used personal property shall
39 file with the law enforcement agency of jurisdiction, in a form
40 acceptable to that agency, a summary of transactions entered into
41 during the preceding week, including a description of the used
42 personal property.

2 5. Time limit. A dealer may not sell or dispose of in any
3 manner any used personal property less than 10 days after receipt
4 of that property by the dealer.

5 6. Violations. A dealer who violates any of the requirements
6 of this section or a seller who provides false identification to
7 a dealer is guilty of a Class E crime.

8
9 **Sec. 5. 32 MRSA §291, sub-§1, ¶C,** as enacted by PL 1999, c.
10 146, §5, is amended to read:

11 C. Failure to comply with or properly maintain records
12 required by Title 15 30-A, section 456 3971;

13 Further amend the bill by relettering or renumbering any
14 nonconsecutive Part letter or section number to read
15 consecutively.
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20 SUMMARY

21 This amendment is the minority report of the committee. The
22 amendment moves existing statutory requirements for recording
23 information concerning the purchase of used goods out of the
24 Maine Revised Statutes, Title 15 and into Title 30-A. The
25 amendment leaves provisions in the bill that concern pawnbrokers
26 and retains requirements that impose on dealers in used personal
27 property a 10-day waiting period on resale of that personal
28 property and weekly reporting requirements. The amendment also
29 defines and limits the term "used personal property" to a
30 specific list of categories of items.
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