

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1715

S.P. 647

In Senate, December 17, 2003

An Act To Facilitate the Recovery of Stolen Property

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Business, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.

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

4 **Sec. 1. 30-A MRSA §3962, sub-§1, ¶C**, as amended by PL 1993, c. 59, §2, is further amended to read:

6 C. The name and residence of the consumer. The pawnbroker shall require reasonable written proof of the identification of the consumer in the form of a motor vehicle operator's license, military identification card, adult liquor identification card or similar item that confirms the consumer's identification by date of birth and by physical description. The pawnbroker shall record the type of proof of identification used.

14 **Sec. 2. 30-A MRSA §3962, sub-§3**, as amended by PL 1993, c. 59, §2, is further amended to read:

18 **3. List filed with law enforcement agency.** ~~Before the 15th day of every month~~ Weekly, the pawnbroker shall file with the law enforcement agency of jurisdiction, in a form acceptable to that agency, a summary of the pawn transactions entered into during the preceding calendar ~~month~~ week, including a description of the property.

24 **Sec. 3. 30-A MRSA §3963, sub-§4**, as enacted by PL 1993, c. 59, §3, is amended to read:

28 **4. Time period.** The initial redemption or repurchase period of a pawn transaction, not including an extension under subsection 5, may not be less than 10 days nor exceed 60 days.

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

34 **SUBCHAPTER 7**

36 **USED GOODS DEALERS**

38 **§3971. Definitions**

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

42 **1. Consignment.** "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

44 A. The merchant deals in goods of that kind under a name other than the name of the person making delivery;

46 B. The merchant is not an auctioneer;

2 C. The transaction does not create a security interest that
3 secures an obligation; and

4
5 D. Title to the goods does not pass until the sale.

6
7 2. Consignment merchant. "Consignment merchant" means a
8 merchant who receives tangible personal property for sale on
9 consignment.

10
11 3. Junk. "Junk" means old iron, chains, brass, copper,
12 tin, lead or other base metals, old rope, old bags, rags,
13 wastepaper, paper clippings, scraps of woolens, clips, bagging,
14 rubber and glass and empty bottles of different kinds when less
15 than one gross and all articles discarded or no longer used or a
16 manufactured article composed of any one or more of the materials
17 mentioned in this subsection.

18
19 4. Junk collector. "Junk collector" means anyone dealing
20 or trading in junk or anyone who engages in the collection,
21 storage, transfer or sale of junk.

22
23 5. Merchant. "Merchant" means a person who deals in
24 tangible personal property or otherwise by that person's
25 occupation holds that person out as having knowledge or skill
26 peculiar to the practices or goods involved in a transaction of
27 tangible personal property or to whom such knowledge or skill may
28 be attributed by that person's employment of an agent or broker
29 or other intermediary who by that agent's, broker's or other
30 intermediary's occupation holds that person out as having such
31 knowledge or skill.

32
33 6. Secondhand dealer. "Secondhand dealer" means a person
34 who engages in the purchase, collection, transfer or storage for
35 later resale, or who engages in the trading or selling, unless
36 such sale is by auction of less than 4 days' duration, of any
37 article, vehicle or material, or a portion thereof, of which
38 prior use has been made in any manner whatsoever. "Secondhand
39 dealer" does not include pawnbrokers, junk collectors, used car
40 dealers or persons primarily engaged in the retail sale of new
41 and unused goods who deal with used goods only incidentally, such
42 as accepting such goods in trade as part of a transaction
43 involving the sale of new goods, but only to the extent that such
44 used goods are of the same type as the new goods.

45 7. Tangible personal property. "Tangible personal property"
46 includes motor vehicles, but does not include documents
47 evidencing title to motor vehicles. "Tangible personal property"
48 also does not include checks, drafts or similar instruments or
49 real estate.

50

2 8. Used goods dealer. "Used goods dealer" means a
3 consignment merchant, a merchant or a secondhand dealer. "Used
4 goods dealer" does not include a pawnbroker as defined in section
5 3960, subsection 2 or a junk collector.

6 **§3972. Transaction requirements**

8 1. Record of transaction. A used goods dealer who receives
9 used tangible personal property shall maintain records containing
10 the following information:

12 A. An accurate and detailed description of the property
13 received;

14 B. The date the property was received;

15 C. The name, residence, date of birth and proof of
16 identification of the person from whom the tangible personal
17 property was received;

18 D. If a merchant or secondhand dealer, the amount paid by
19 the merchant or secondhand dealer for the property; and

20 E. If a consignment merchant, the amount paid for the
21 property.

22 2. Proof of identification. A used goods dealer shall
23 require reasonable written proof of the identification of the
24 person selling in the form of a motor vehicle operator's license,
25 military identification card, adult liquor identification card or
26 similar item that confirms the person's identification by date of
27 birth and by physical description. The used goods dealer shall
28 record the type of proof of identification used.

29 **§3973. Time limit**

30 A used goods dealer may not sell or dispose of in any manner
31 any tangible personal property received by that used goods dealer
32 less than 10 days after receipt by the used goods dealer.

33 **§3974. Weekly report**

34 A used goods dealer shall file with the law enforcement
35 agency of jurisdiction, in a form acceptable to that agency, a
36 summary of transactions entered into during the preceding week,
37 including a description of the tangible personal property.

38 **§3975. Application**

2 This subchapter does not apply to pawn transactions as
3 defined in section 3960, subsection 1.

4
5
6 **SUMMARY**

8 Current law requires pawnbrokers to keep records regarding
9 pawn transactions, including the identity of the consumer and the
10 type of property. The pawnbroker is required to file this
11 information monthly with local law enforcement.

12 This bill, based on a Lewiston ordinance, applies similar
13 record-keeping requirements to all merchants receiving used
14 goods, such as consignment shops and secondhand dealers. The
15 purpose of this bill is to facilitate the identification and
16 recovery of stolen property by law enforcement. To that end,
17 this bill requires all merchants, including pawnbrokers, dealing
18 in used property to:

19 1. Obtain written proof of the identity of the person
20 selling the property. Written proof includes a driver's license,
21 military identification card or adult liquor identification card;

22 2. Hold the used property for a minimum of 10 days before
23 selling or otherwise disposing of it; and

24 3. Make a weekly report regarding the transactions engaged
25 in, including a description of the property, to local law
26 enforcement.
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