

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1072

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S.P. 354

In Senate, March 16, 2017

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**An Act To Amend the Laws Regarding Dealers in Secondhand  
Precious Metals**

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative: BLACK of Wilton.

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

2 **Sec. 1. 30-A MRSA §3972, sub-§1, ¶B**, as enacted by PL 2013, c. 398, §1, is  
3 amended to read:

4 B. "Precious metals" means any item composed in whole or in part of gold,  
5 palladium, platinum or silver, but does not include dental gold, unrefined metal ore,  
6 an electronic product, any part of a mechanical system on a motor vehicle or gold or  
7 silver coins or bullion.

8 **Sec. 2. 30-A MRSA §3972, sub-§2, ¶C**, as enacted by PL 2013, c. 398, §1, is  
9 amended to read:

10 C. A digital photograph of ~~each~~ the item of precious metals that is the subject of the  
11 transaction, ~~as well as a complete description of the item purchased or acquired from~~  
12 ~~the seller, including the weight of the item and any identification numbers, names,~~  
13 ~~initials, serial numbers or identifying marks on the item.~~ If there is more than one  
14 item, one digital photograph of all the items is sufficient to meet the requirements of  
15 this paragraph; and

16 **Sec. 3. 30-A MRSA §3972, sub-§2, ¶D**, as enacted by PL 2013, c. 398, §1, is  
17 repealed.

18 **Sec. 4. 30-A MRSA §3972, sub-§§5 and 6**, as enacted by PL 2013, c. 398, §1,  
19 are amended to read:

20 **5. Holding period.** A dealer may not sell or alter any precious metals until the  
21 precious metals have remained in the dealer's possession for ~~15~~ 5 business days after the  
22 date of acquisition by the dealer, ~~except that a dealer who determines that the precious~~  
23 ~~metals are not listed in an electronic database designed to catalog stolen property may sell~~  
24 ~~or alter the precious metals 5 business days after the date of acquisition.~~

25 **6. Municipal permit.** A person may not act as a dealer without ~~a permit issued by~~  
26 ~~the~~ registering as a dealer in secondhand precious metals with the municipal officers of  
27 the municipality in which the person intends to maintain a permanent place or places of  
28 business. A dealer shall provide the address of the permanent place of business at which  
29 the dealer will do business to the municipality and shall notify the municipality if the  
30 location changes. ~~The municipal officers may require other reasonable information as to~~  
31 ~~the identity of the persons managing, supervising or conducting the business as necessary~~  
32 ~~in order to fulfill the purposes of this section. The municipal officers may not issue a~~  
33 ~~permit to act as a dealer to a person if they find that issuance of the permit would be~~  
34 ~~detrimental to the public health, safety or welfare. Without a municipal permit, a person~~  
35 ~~may not engage in the business of dealing in secondhand precious metals.~~

36 **SUMMARY**

37 This bill amends the laws regarding dealers in secondhand precious metals by:

- 38 1. Including palladium and platinum as precious metals subject to regulation;

- 1           2. Allowing a dealer to take one digital photograph of all the items in a transaction,  
2           instead of one digital photograph for each item;
- 3           3. Eliminating certain types of information that must be recorded by a dealer about  
4           each item;
- 5           4. Reducing from 15 days to 5 business days the amount of time a dealer must wait  
6           before selling or altering an item of precious metals received by the dealer;
- 7           5. Removing a reference to an electronic database designed to catalog stolen  
8           property; and
- 9           6. Requiring a dealer to register as a precious metals dealer with the municipality in  
10          which the dealer will conduct business, instead of requiring the dealer to obtain a permit  
11          issued by the municipality.