

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

HOUSE.

No. 228.

STATE OF MAINE.

**IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE.**

AN ACT to amend chapter two hundred and fifty-nine of the Public Laws of eighteen hundred and ninety-three, entitled "An Act to prevent and punish fraud in sales of goods, wares and merchandise at public or private sale by Itinerant Vendors, and to regulate such sales."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. Section four of chapter two hundred and 2 fifty-nine of the Public Laws of eighteen hundred and 3 ninety-three is hereby amended by adding at the end of 4 said section the following words: 'No person shall be 5 entitled to hold, or directly or indirectly receive the bene- 6 fit of more than one state license at any one time, and any 7 license obtained, held or used in violation of law is void.' 8 So that said section as amended shall read as follows:

‘Section 4. Every itinerant vendor desiring to do business in this state shall deposit with the secretary of state the sum of five hundred dollars as a special deposit, and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee, the secretary of the state shall issue to him an itinerant vendor’s license, authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid that principal but not to act for or without him. No person shall be entitled to hold, or directly or indirectly receive the benefit of more than one state license at any one time, and any license obtained, held or used in violation of law is void.’

SECT. 2. Section five of said act is hereby amended by inserting after the word “for” in the first line, the word ‘state’ and by striking out the words “respective town and city clerks” in the seventh line and inserting the words, ‘several towns relative to such licenses,’ so that said section as amended shall read as follows :

‘Section 5. All applications for state licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interests said business is conducted, and shall be kept on file by the secretary of state,

11 and a record shall be kept by him of all licenses issued
12 upon such applications. All files and records both of the
13 secretary of state and of the several towns relative to such
14 licenses, shall be in convenient form, and open for public
15 inspection.'

SECT. 3. Section six of said act is hereby amended by
2 striking out the whole of said section, and inserting in
3 place thereof the following :

'Section 6. Every itinerant vendor intending to sell
5 goods in any town shall file his state license and on appli-
6 cation for a local license with the collector of taxes for
7 such town, and before selling, offering or exposing for
8 sale any goods in such town shall pay to the collector for
9 the use of such town, as a further local license fee for
10 such sale in such town, a sum to be computed as provided
11 in the next following section. A receipt for said local
12 license fee when paid shall be indorsed by said collector
13 on the back of such state license, which shall remain on
14 file with such collector so long as such sale shall continue
15 or such goods be kept, exposed or offered for sale in such
16 town. Every application for a local license shall be
17 signed by the holder of the accompanying state license
18 and shall specify the kind and line of goods then in stock
19 in such town, the name of the town from which said goods
20 were last shipped and the name of the town in which said
21 goods were last exposed or offered for sale. Such local license
22 fee shall be computed and collected in each town respec-
23 tively, in which said goods shall be successively offered,
24 or exposed for sale.'

SECT. 4. Section seven of said act is hereby amended
2 by striking out the whole of said section and inserting in
3 place thereof the following :

‘Section 7. The collector of taxes for any town upon
5 receiving an application in due form as provided in the
6 last preceding section accompanied by such applicant’s
7 state license shall forthwith give notice thereof to the
8 assessors of said town. Said assessors, or a majority of
9 them, shall as soon as practicable examine the stock of
10 goods described in such application, and shall compute
11 and certify to said collector the amount of said applicant’s
12 local license fee for such intended sale in said town,
13 which shall be a percentage on the full value of said stock
14 of goods equal to the rate per cent of the last preceding
15 taxation in said town. The payment of said local license
16 fee to said collector shall authorize such applicant who
17 has complied with all other requirements of law to sell
18 within the limits of said town, such goods, wares and
19 merchandise as are described in his application, and for
20 that purpose to carry in stock in said town, goods only of
21 the kind or line specified in his application, and not to
22 exceed in amount at any one time the valuation on which
23 his local license fee for such town was computed, and to
24 continue in force so long as such licensee shall in good
25 faith continuously keep, offer and expose for sale the same
26 kind or line of goods specified in his application, except
27 that such license and authority shall in any event ter-
28 minate and expire on the first day of April next following
29 the date of application. Any itinerant vendor, who after
30 applying or paying for a local license shall increase his
31 stock kept, offered or exposed for sale in the town for
32 which such local license fee was paid above the valuation
33 on which such local license fee was computed, without
34 first making seasonable written application to the collector

35 of such town for a supplemental license for such excess of
36 stock shall be fined not less than twenty nor more than
37 fifty dollars, and for each day such excess of stock is kept,
38 offered or exposed for sale without payment of local
39 license fee therefor shall be fined not less than twenty nor
40 more than fifty dollars, and forfeit his state license. Sup-
41 plemental licenses shall be applied for, and the fees there-
42 for shall be computed, certified and collected in the
43 manner provided for local license fees.'

SECT. 5. Section eight of said act is hereby amended
2 by striking out the whole of said section and inserting in
3 place thereof the following :

'Section 8. Whoever as proprietor or clerk having in
5 his care, custody or keeping, any goods for the sale of
6 which a local license is required, neglects or refuses to file
7 the application for local license required by law, or who-
8 ever makes a false or fraudulent representation or state-
9 ment in any application for a local license shall be fined
10 not less than twenty nor more than fifty dollars for each
11 day such goods are kept, offered or exposed for sale. The
12 penalties provided in this act are not to be construed as
13 substitutes for payment of local license fees.'

SECT. 6. Section nine of said act is hereby amended so
2 as to read as follows :

'Section 9. Every town in which is kept, exposed or
4 offered for sale an itinerant vendor's stock of goods has a
5 lien on such goods for the amount due such town for local
6 license fee on such stock to be enforced by suit and attach-
7 ment within ten days from the time such goods were first
8 publicly offered or exposed for sale in such town. When
9 any person liable therefor neglects or refuses to pay the

10 local license fee provided in this act the tax collector of
11 the town to which such license fee is due may maintain an
12 action of debt by writ of attachment or trustee process
13 therefor in the name of such town or in his own name, but
14 for the benefit of such town. It is made the duty of tax
15 collectors, police officers and constables to prosecute for
16 violations of the provisions of this act in their respective
17 towns and to report such violations promptly to the asses-
18 sors for the purpose of computing and certifying such
19 local license. Municipal courts and trial justices shall
20 have concurrent jurisdiction with the supreme judicial and
21 superior courts of all complaints and prosecutions under
22 this act.'

SECT. 7. Section fifteen of said act is hereby amended
2 by adding at the end of said section the following words :
3 'No itinerant vendor shall be relieved or exempted from
4 the provisions and requirements of this act by reason of
5 associating himself in business temporarily with any local
6 dealer, trader or merchant, or by conducting such tem-
7 porary or transient business in connection with or as a
8 part of the business of, or in the name of any local dealer,
9 trader or merchant,' so that said section as amended shall
10 read as follows :

'Section 15. The words "itinerant vendors" for the
12 purposes of this act shall be construed to mean and
13 include all persons, both principals and agents, who
14 engage in a temporary or transient business in this state,
15 either in one locality or in traveling from place to place
16 selling goods, wares and merchandise, and who for the
17 purposes of carrying on such business hire, lease or
18 occupy and building or structure for the exhibition and

19 sale of such goods, wares and merchandise. No itinerant
20 vendor shall be relieved or exempted from the provisions
21 and requirements of this act by reason of associating him-
22 self temporarily with any local dealer, trader or merchant,
23 or by conducting such temporary or transient business in
24 connection with or as a part of the business of, or in the
25 name of any local dealer, trader or merchant.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 27, 1895. }

Reported by Mr. LANE of Augusta, from Committee on Legal Affairs,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*