

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 72

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT in relation to the business of selling, giving or delivering trading stamps, checks, coupons or similar devices in connection with the sale of articles, wares and merchandise.

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

Section 1. Every person, firm or corporation selling, giving or delivering trading stamps, checks, coupons or similar devices, in connection with the sale of articles, wares and merchandise entitling the holders to receive articles, wares and merchandise other than the articles so sold at public or private sale without State and local license therefor issued as hereinafter provided, shall be punished for each offense by a fine not exceeding fifty dollars or by imprisonment not exceeding sixty days, or by both such fine and imprisonment.

Sect. 2. Every person, firm or corporation, both principal and agents, who shall by circular, handbill, newspaper or in

3 any other manner advertise any such business as referred to
4 in the preceding section before proper license shall be issued
5 to said person, firm or corporation, shall be punished by fine
6 not exceeding fifty dollars or imprisonment not exceeding
7 sixty days or by both such fines and imprisonment.

Sect. 3. Every person, firm or corporation, whether princi-
2 pal or agent, before commencing business shall take out a
3 State license and local licenses in the manner hereinafter set
4 forth, but nothing herein contained shall affect the right of
5 any municipal officers to make such regulations relative to
6 such business as may be permissible under the general laws
7 or under any municipal charter.

Sect. 4. Every person, firm or corporation desiring to do
2 business in this State shall deposit in cash the sum of ten
3 thousand dollars with the secretary of State, or securities
4 always to be kept at a market value of not less than ten thou-
5 sand dollars as a special deposit, and after such deposit upon
6 application in proper form and the payment of a further sum
7 of one hundred dollars as State license fee, the secretary of
8 State shall issue to him or them a license authorizing him or
9 them to do business in the State in conformity with the pro-
10 visions of this chapter for the term of one year from the date
11 thereof. Every license shall set forth a copy of the applica-
12 tion upon which it is granted. Such license shall not be
13 transferable or give authority to more than one person, firm
14 or corporation for the purpose of selling, giving or delivering
15 trading stamps, checks, coupons or similar devices in connec-
16 tion with the sale of articles, either by agent or clerk, but any
17 licensee may have the assistance of one or more persons in
18 conducting his business, who may aid that principal, firm or
19 corporation. No person shall be entitled to hold, directly or
20 indirectly, the benefit of more than one State license at any
21 one time, and any license obtained or used in violation of law
22 is void.

Sect. 5. All applications for State licenses shall be sworn
2 to, shall disclose the name and residence of the owners or
3 parties in whose interest said business is conducted, and shall
4 be kept on file by the secretary of State, and a record shall be
5 kept by him of all licenses issued upon such applications. All
6 files and records, both of the secretary of State and of the
7 several towns relative to such licenses, shall be in convenient
8 form and open for public inspection.

Sect. 6. Every person, firm or corporation intending to sell,
2 give or deliver trading stamps, checks, coupons or similar
3 devices in connection with the sale of articles in any town,
4 shall file a copy of their State license and an application for a
5 local license with the collector of taxes for such town, and
6 before commencing business, shall pay to the collector for the
7 use of such town as a further local license fee for said busi-
8 ness in such town, the sum of twenty-five dollars. A receipt
9 for said local license fee when paid shall be endorsed by said
10 collector on the back of said State license copy which shall
11 remain on file with such collector so long as said business
12 shall be continued in such town. Every application for a
13 local license shall be signed by the holder of said State license
14 and shall specify the nature of said device, stamp or coupon.

Sect. 7. Whoever, as proprietor or clerk of any firm or cor-
2 poration, having in his care, custody or keeping any articles,
3 wares or merchandise for the sale of which trading stamps,
4 checks, coupons or similar devices are used in connection
5 therewith, and for which a local license is required, who
6 neglects or refuses to file the application for local license
7 required by law, or whoever makes a false or fraudulent
8 representation or statement in any application for a local
9 license, shall be fined not less than twenty nor more than fifty
10 dollars for each day such articles, wares or merchandise are
11 kept, offered or exposed for sale. The penalty provided
12 herein is not to be construed as payment for local license fees.

Sect. 8. When any person liable therefor neglects or
2 refuses to pay the local license fee provided in section six, the
3 tax collector of the town to which said license fee is due may
4 maintain an action of debt by writ of attachment or trustee
5 process therefor in the name of such town or in his own name
6 but for the benefit of such town.

Sect. 9. All State licenses issued under section four shall
2 expire by limitation one year from the date thereof and may
3 be, if so desired, surrendered at any time prior thereto for
4 cancellation.

Sect. 10. Upon the expiration and return or surrender of
2 each State license the secretary of State shall cancel the same,
3 endorse the date of delivery and cancellation thereon and
4 place the same on file. He shall hold the special deposit of
5 each licensee hereinbefore mentioned for the period of sixty
6 days and after satisfying any and all claims upon the same
7 hereinafter provided, shall return said deposit or such portion
8 of the same, if any, as may remain in his hands to the licensee
9 depositing it.

Sect. 11. Each deposit made with the secretary of State
2 shall be subject as long as it remains in his hands to attach-
3 ment and execution in behalf of creditors whose claims arise
4 in connection with business done in this State, and the sec-
5 retary of State may be held to answer as trustee under the
6 trustee process in any civil action in debt or case brought
7 against any licensee, and the secretary of State shall pay over
8 under order of court and upon execution, such sum of money
9 as he may be chargeable upon his answer or otherwise.
10 Said deposit shall be subject to the payment of any and all
11 fines and penalties incurred by the licensee through violation
12 of this chapter, and the clerk or recorder in which, or the trial
13 justice by whom such fine or penalty is imposed, shall there-
14 upon notify the secretary of State of the name of the licensee

15 against whom such fine or penalty is adjudged and the
16 amount of such fine or penalty, and the secretary of State
17 shall pay the sum so specified to said clerk, recorder or trial
18 justice ; and if the secretary of State shall not have a sufficient
19 sum so deposited, he shall make payment as aforesaid of so
20 much as he has in his hands. All claims upon deposit shall
21 be satisfied after judgment, fine or penalty in the order in
22 which notice of the claim is received by the secretary of State
23 until all such claims are satisfied or the deposit exhausted, but
24 no notice filed after the expiration of sixty days limit afore-
25 said shall be valid. No deposit shall be paid over by the
26 secretary of State to the licensees so long as there are any
27 outstanding claims or notices of claims against them respect-
28 ively, unless he is satisfied that such claims shall not be pros-
29 ecuted to final judgment or that no fine or penalty will be
30 imposed.

Sect. 12. No person, firm or corporation shall be relieved
2 or exempted from the provisions and requirements hereof by
3 reason of associating himself temporarily with any local
4 dealer, trader or merchant, or by conducting such temporary
5 or transient business in connection with, or as a part of the
6 business of, or in the name of any local dealer, trader or mer-
7 chant.

Sect. 13. This act shall not apply to persons, firms or corpo-
2 rations selling goods, wares and merchandise, to which there
3 may have been attached or into the packages of which there
4 may have been packed coupons or similar devices, redeemable
5 in cash or property by the manufacturer or any other person,
6 firm or corporation ; provided, however, that this section shall
7 not apply to a person, firm or corporation which itself
8 attaches to goods, wares and merchandise or packs in the
9 package thereof, such coupon or similar device. Nor to
10 those who may issue individual coupons, checks, or other

11 devices redeemable in their own goods, merchandise or cash
12 in the way of a premium or cash discount when a stated
13 amount of coupons, checks, or other devices are presented for
14 the redemption ; provided, however, that said local merchant
15 shall secure from the treasurer of the town in which he is
16 located a local license, the fee for which shall be one dollar.

Sect. 14. Municipal, police court and trial justices shall
2 have jurisdiction of all complaints and prosecutions under
3 this chapter.

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 7, 1905.

Tabled pending reference to a committee by Mr. KIMBALL of Rockland and ordered printed.

E. M. THOMPSON, *Clerk.*