

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 246

STATE OF MAINE.

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

AN ACT relating to hawkers and peddlers.

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

Section 1. Every person, unless licensed as hereinafter
2 required, who shall, as a hawker and peddler, sell or offer
3 for sale, or carry through or into any town in the State, to
4 be sold or bartered from packs, packages, horses, carts or
5 other vehicles, or in any other way, any goods, wares or
6 merchandise whatever, shall be fined not less than ten dol-
7 lars nor more than twenty dollars.

Sect. 2. Any sheriff, deputy sheriff or constable may with-
2 in his precinct arrest any person found violating the pro-
3 visions of the preceding section, and may detain him not
4 exceeding twenty-four hours, unless he shall within that

5 time have been arraigned for such offence before a trial
6 justice or judge of the municipal court having jurisdiction
7 in the same, and may also detain the packs or packages, and
8 all other merchandise and property which the person so ar-
9 rested may have with him at the time of the arrest, for the
10 purpose of hawking and peddling; and the officer so detain-
11 ing such merchandise and property shall be allowed a rea-
12 sonable compensation for the safe keeping and care of the
13 same, to be taxed in the costs of prosecution and conviction
14 for said offense.

Sect. 3. Any officer above named prosecuting any person
2 complained of under the provisions of this chapter shall be
3 required to give his personal recognizance only for the pay-
4 ment of costs.

Sect. 4. Every individual sale, or offer for sale, made con-
2 trary to the provisions of this chapter, shall be deemed and
3 construed as a distinct and separate offense, and the person
4 making the same shall be prosecuted therefor in the manner
5 hereinafter prescribed.

Sect. 5. Whenever complaint shall be made to any trial
2 justice or judge of a municipal court, that any person within
3 his jurisdiction is selling or offering for sale any article con-
4 trary to the provisions of the preceding section, such trial
5 justice or judge of the municipal court shall examine the
6 complainant under oath, reduce his complaint to writing and
7 cause the same to be by him signed. If the complainant
8 shall then enter into an recognizance in such sum, not ex-

9 ceeding fifty dollars, with such surety as such trial justice
10 or judge of the municipal court shall direct and approve,
11 to prosecute such complaint to final judgment with effect or
12 in default thereof to pay the costs that may accrue thereon,
13 such trial justice or judge of the municipal court shall issue
14 a warrant to seize the article or articles so offered for sale,
15 together with all prohibited merchandise then in the imme-
16 diate possession of the person complained of, with the
17 packs, packages, carriage and horse or other vehicle, upon
18 or in which the same shall have been transported; and to
19 summon such person to appear before such trial justice or
20 judge of the municipal court and show cause why all such
21 property shall not be adjudged forfeited; and if upon trial
22 it shall appear that such complaint is true, then the property
23 so seized shall be forfeited.

Sect. 6. The State treasurer may issue to any person of
2 good moral character a license for the whole State, or for
3 any one of the counties, for offering for sale and for selling,
4 as a hawker and peddler, watches, jewelry, gold or silver-
5 ware, or articles manufactured of German silver, upon the
6 payment to the State treasurer for the use of the State the
7 following sums: Two hundred dollars for a license as
8 aforesaid for the State, fifty dollars for each of the coun-
9 ties of the State; and may grant and issue a license for of-
10 fering for sale and for selling, as a hawker and peddler, any
11 other goods, wares and merchandise whatsoever, except as
12 hereinafter provided, for the State or for any one of the

13 counties upon the payment to the State treasurer, for the
14 use of the State, of the following sums: Sixty dollars for a
15 license for the State for one year from the date of license,
16 fifteen dollars for the State for three months from the date
17 of license, thirty dollars for any of the counties for one year
18 from the date of the license, and ten dollars for each of the
19 counties for three months from the date of license; and a
20 license for the whole State only as a hawker and peddler, for
21 offering for sale and for selling any article which, by rea-
22 son of the protection afforded by the patents of the United
23 States or otherwise, does not come into competition with the
24 general sale thereof in the towns of the State, upon the pay-
25 ment of fifty dollars, for the use of the State. Such license
26 shall describe the article so patented and be issued for the
27 sale of that only, and no person holding such license shall
28 hold a general hawker's and peddler's license for the sale
29 of any other article.

Sect. 7. The State treasurer shall, at the time of issuing
2 such license, enter upon a list kept for that purpose the name
3 of the person so licensed, the kind of license and the time
4 of the expiration of such license, and shall also furnish to any
5 person who may request it a statement, copied from such
6 list, of all such licenses as may be, or may have been in
7 force, in any year designated by the person requesting such
8 statement. Any every such license shall continue in force
9 for the term named therein, dating from the date of grant-

10 ing thereof, and shall authorize only the person named there-
11 in to sell and offer for sale as aforesaid.

Sect. 8. Every person selling or offering for sale, as a
2 hawker or peddler, any goods, wares and merchandise what-
3 soever, except as hereinafter stated, who shall, after being
4 by an inhabitant of the State or any person having a license
5 under this chapter requested to show his license, neglect or
6 refuse for a space of fifteen minutes to show a license then
7 in force, and allow the same to be read, shall, if sued or
8 prosecuted under this chapter be adjudged to pay all the
9 costs of said suit or prosecution, although it shall appear on
10 trial that he had a license duly issued and in force at the
11 time of the alleged offense.

Sect. 9. The State treasurer may, for cause shown, au-
2 thorize the transfer to any other person of any license grant-
3 ed in conformity with the provisions of this chapter. Such
4 transfer shall be made at the office of the State treasurer
5 and there shall be paid to the State treasurer, at the time of
6 making the same, the sum of one dollar as a transfer fee.

Sect. 10. The provisions of this chapter shall not apply
2 to any person selling religious books and publications in be-
3 half of Bible, tract or other religious or moral societies, for
4 the purpose of promoting religious or moral improvement,
5 and which are sold for that purpose and not for pecuniary
6 profit, nor to butchers retailing meats and fish from carts,

7 nor to fruit or vegetable dealers for retailing fruits and
8 vegetables from carts or baskets.

Sect. 11. Nothing in this chapter contained shall be so
2 construed as to require anyone to procure a license to enable
3 him to peddle any article manufactured with his own hands,
4 or to prevent him from vending, without license, knit stock-
5 ings, gloves and mits, and all other articles of household
6 manufacture.

Sect. 12. Whenever any writ or warrant shall be served
2 for the recovery of any forfeiture incurred under the pro-
3 visions of this chapter, the officer charged with the service
4 thereof shall send a copy of such writ or warrant to the
5 State treasurer, in addition to the other service required by
6 law.

Sect. 13. All fines and forfeitures recovered by virtue of
2 this chapter shall enure, one-half thereof to the use of the
3 State and one-half thereof to the use of the person pros-
4 ecuting or suing therefor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 19, 1909.

Reported by Mr. WING from Committee on Judiciary and
ordered printed and recommitted.

E. M. THOMPSON, *Clerk.*