

MAINE STATE LEGISLATURE

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EIGHTY - SIXTH LEGISLATURE

Legislative Document

No. 5

H. P. 14 House of Representatives, Jan. 11, 1933.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Tompkins of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-THREE

AN ACT Relating to Store Licenses.

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

Section 1. **Application for license; fees; reports.** Any person, firm, corporation, association or co-partnership desiring to open, establish, operate or maintain a store in this state shall apply to the state tax assessor for a license to do so.

Application for license shall be made on the form which shall apply to the state tax assessor for a license so to do. and shall set forth the name of the owner, manager, trustee, lessee, receiver or other persons desiring such license; the name of such store, the location including the street and number, if any, and such other facts as the state tax assessor may require. If the applicant desires to open, establish, operate or manage more than one such store he shall make separate application for license to open, establish, manage or operate each store, but the respective stores for which the applicant desires license may all be listed on one application blank. Each such application shall be accompanied by a filing fee of 50 cents and by the license fee as prescribed in section 4 of this act.

It shall be the duty of the tax assessors of plantations, towns and cities annually, between the 1st day of April and the 1st day of May, to report to the state tax assessor any person, firm, corporations, association or copartnership operating

or maintaining a store in their respective plantations, towns or cities.

Sec. 2. Examination, correction of application; issuance, display of license. As soon as practicable after the receipt of any such application the state tax assessor shall carefully examine such application to ascertain whether it is in proper form and contains the requisite information. If upon examination the state tax assessor shall find that such application is not in proper form, or does not contain the requisite information, such application shall be returned for correction. If such application is found to be satisfactory, and if the filing and license fees herein prescribed have been paid, the state tax assessor shall issue to the applicant a license for each store for which application for license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store for which such license is issued.

Sec. 3. Expiration, lapse of licenses; renewals. All licenses shall be issued to expire on the 31st day of December of each calendar year. On or before the first day of January of each year every person, firm, corporation, association or copartnership having a license shall apply to the state tax assessor for a renewal of the license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed by the state tax assessor. No license shall lapse prior to the 31st day of January next following the year for which the license was issued, and if by such 31st day of January an application for renewal license has not been made the state tax assessor shall notify such delinquent license holder by registered mail, and if application is not made for and renewal license issued on or before the last day of February next ensuing the former license shall become null and void. Each such application for renewal license shall be accompanied by a filing fee of 50 cents and by the license fee as prescribed in section 4 of this act.

Sec. 4. Annual license fees. Every person, firm, corporation, association or copartnership opening, establishing, operating or maintaining one or more stores or mercantile establishments within this state under the same general management, supervision or ownership shall pay the license fee hereinafter prescribed on opening, establishing, operating or main-

taining such store or mercantile establishment. The license fee herein prescribed shall be paid annually and shall be in addition to the filing fee prescribed in sections 1 and 3 of this act. The license fees herein prescribed shall be as follows:

Upon 1 store the license fee shall be \$3 for each such store.

Upon 2 stores or more, but not exceeding 5 stores, the license fee shall be \$10 for each such additional store.

Upon each store in excess of 5 and not exceeding 10 the license fee shall be \$25 for each such additional store.

Upon each store in excess of 10, but not to exceed 20, the annual license fee shall be \$50 for each such additional store.

Upon each store in excess of 20 the annual license fee shall be \$200 for each additional store.

Sec. 5. Fees for licenses issued prior to July 1st. Each and every license issued prior to the 1st day of July of any year shall be charged for at the full rate, and each and every license issued on or after the 1st day of July of any year shall be charged for at the rate of one-half the full rate prescribed in section 4 of this act.

Sec. 6. Parties to whom act applies. The provisions of this act shall be construed to apply to every person, firm, corporation, association or copartnership, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

Sec. 7. Definition of term "store." The term store as used in this act shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained or controlled by the same person, firm, corporation, association or copartnership, either domestic or foreign, in which goods, wares or merchandise of any kind are sold either at retail or wholesale.

Sec. 8. Penalty. Any person, firm, corporation, association or copartnership which shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100, and each and every day that such violation shall continue shall constitute a separate and distinct offence as to each and every store opened, established, operated

or maintained by any person, firm, corporation, association or copartnership.

Sec. 9. Expenses of administration; distribution of funds collected. Any and all expenses incurred by the state tax assessor in administering this act shall be paid out of the fund accruing from the fees imposed by and collected under the provisions of this act. All money collected under the provisions of this act, less the expenses incurred in the administration thereof, shall be paid in to the state treasury monthly by the state tax assessor, and shall be added to the state school fund and shall be distributed among the several cities, towns and plantations for the maintenance and support of elementary schools as provided under section 210 of chapter 19 of the revised statutes.

Sec. 10. Clerical assistants; payment of expenses. The state tax assessor is hereby authorized to employ such clerical assistance as may be necessary to carry out and administer the provisions of this act, and to prepare and print such blanks, forms, reports, receipts, and any and all other things which may be necessary to provide for the administration of this act, and to pay any and all such expenses so incurred out of the fund collected under the provisions of this act. The sum of \$2000, or so much thereof as may be necessary, is hereby appropriated out of any money in the contingent fund of the state treasury not otherwise appropriated, to be available upon the taking effect of this act and to be used by the state tax assessor in defraying the expenses which may be incurred in administering and preparing to administer this act before sufficient funds shall have been collected from license fees as hereinbefore provided. As soon as a sufficient amount of license fees shall have been collected under the provisions of this act the \$2000 hereby appropriated, or so much thereof as shall have been used, shall be returned to the contingent fund.

Sec. 11. Validity. If any section, provision or clause of this act shall be declared invalid, such invalidity shall not be construed to affect the portions not so held invalid.

Sec. 12. Effective date of act. This act, except section 10, shall be in effect from and after the 1st day of August, 1933.