

MAINE STATE LEGISLATURE

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EIGHTY - SIXTH LEGISLATURE

Legislative Document

No. 6

H. P. 15 House of Representatives, Jan. 11, 1933.

Referred to Committee on Judiciary and 1,000 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Fernald of Winterport.

STATE OF MAINE

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

AN ACT Relating to Store License Fees.

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

Section 1. Stores—operating, maintaining, opening or establishing without license declared unlawful. From and after the 1st day of July, 1933, it shall be unlawful for any person, firm, corporation, association or copartnership, either foreign or domestic, to operate, maintain, open or establish any store in this state without first having obtained a license so to do from the bureau of taxation, as hereinafter provided.

Sec. 2. Application for license; fees. Any person, firm, corporation, association or copartnership desiring to operate, maintain, open or establish a store in this state shall apply to the said bureau for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the said bureau, and shall set forth the name of the owner, manager, trustee, lessee, receiver or other person desiring such license; the name of such store; the location, including the street number, of such store; and such other facts as the said bureau may require. If the applicant desires to operate, maintain, open or establish more than 1 such store, he shall make a separate application for a license to operate, maintain, open or establish each such store, but the respective stores for which the applicant desires to secure licenses may

all be listed on one application blank. Each such application shall be accompanied by a filing fee of 50c, and by the license fee as prescribed in section 5 of this act.

Sec. 3. Examination, correction of application; issuance, display of license. As soon as practicable after the receipt of any such application, the said bureau shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If, upon examination, the said bureau shall find that any such application is not in proper form and does not contain the necessary and requisite information, it shall return such application for correction. If an application is found to be satisfactory and if the filing and license fees, as herein prescribed, shall have been paid, the said bureau shall issue to the applicant a license for each store for which an application for a 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. 4. Expiration, lapse of licenses; renewals. All licenses shall be so issued as to expire on the 30th day of June of each year. On or before the 1st day of July of each year, every person, firm, corporation, association or copartnership having a license, shall apply to the said bureau for a renewal license for the fiscal year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the said bureau. No license shall lapse prior to the 31st day of July of the year next following the year for which such license was issued, and if, by such 31st day of July, an application for a renewal license has not been made, the said bureau shall notify such delinquent license holder thereof, by registered mail, and if application is not made for and a renewal license issued on or before the last day of August, next ensuing, the former license shall lapse and become null and void. Each such application for a renewal license shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in section 5 of this act.

Sec. 5. Annual license fees. Every person, firm, corporation, association or copartnership opening, establishing, operating or maintaining one or more stores or mercantile establish-

ments, within this state, under the same general management, supervision or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee prescribed in sections 2 and 4 of this act.

The license fees herein prescribed shall be as follows:

(1) Upon one store, the annual license fee shall be \$3 for each such store;

(2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be \$10 for each such additional store;

(3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be \$15 for each such additional store;

(4) Upon each store in excess of ten, but not to exceed twenty, the annual license fee shall be \$20 for each such additional store;

(5) Upon each store in excess of twenty, the annual license fee shall be \$25 for each such additional store.

Sec. 6. Fees for licenses issued prior to or after January 1st. Each and every license issued prior to the 1st day of January of any year shall be charged for at the full rate, and each and every license issued on or after the 1st day of January of any year shall be charged for at one-half of the full rate, as prescribed in section 5 of this act.

Sec. 7. Parties to whom act applies. The provisions of this act shall be construed to apply to every person, firm, corporation, copartnership or association, 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. 8. 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, copartnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind, are sold, either at retail or wholesale.

Sec. 9. **Penalty.** Any person, firm, corporation, copartnership or association who shall violate any of the provisions of this act 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 offense.

Sec. 10. **Expenses of administration.** Any and all expenses incurred by the said bureau in the administration of this act shall be paid out of the funds 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 of this act, shall be paid into the state treasury, monthly, by the said bureau and shall be added to and shall constitute a part of the general fund.

Sec. 11. **Clerical assistants; payment of expenses.** The said bureau is hereby authorized to employ such clerical assistants 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.

Sec. 12. **Validity.** If any section, provision or clause of this act should be declared invalid, such invalidity shall not be construed to affect the portions of the act not so held invalid.