

# MAINE STATE LEGISLATURE

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SPECIAL SESSION

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E I G H T Y - E I G H T H      L E G I S L A T U R E

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**Legislative Document**

**No. 1105**

H. P. 1915

House of Representatives, October 27, 1937.

Referred to Committee on Taxation and 500 copies ordered printed.  
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Wilkes of Portland by request.

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S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-  
SEVEN

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**AN ACT Relating to Licenses for Retail Stores, and to Equalize the Business Opportunities in the State of Maine.**

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**Emergency preamble.** Whereas, it is imperative that means be provided by which added revenue for the state may be raised; and

Whereas, old age assistance and school equalization cannot be provided for unless added revenue is forthcoming; and

Whereas, a tax on chain stores will not be a hardship to the great many who can least afford to pay a tax; and

Whereas, many of our aged people are in dire need and the several cities and towns are unable to properly take care of them; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. Licenses for operation of stores; application; fees.** No person, firm, partnership, association or corporation shall establish, own, operate, manage or maintain any store as hereinafter defined for the sale of goods,

wares and merchandise at retail in this state without first having obtained a license for such purpose from the bureau of taxation.

The application for such license shall disclose the name of the applicant, the location of the business for which license is desired, the kind of business and such other information as may be required by said bureau. A separate application shall be filed for each such store established, owned, operated, managed and maintained by said applicant, unless the said bureau shall otherwise determine.

Each such application shall be accompanied by a filing fee of 50 cents and by the license fee specified in section 4 of this act.

**Sec. 2. Examination; 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 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 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 30th day of June of each calendar 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 said bureau of taxation for a renewal of the 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 next following the year for which the license was issued, and if by such 31st day of July an application for renewal license has not been made the said bureau 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 August 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 prescribed in section 4 of this act.

**Sec. 4. Annual license fees.** Every person, firm, partnership, association or corporation establishing, owning, operating, managing or maintaining 1 or more stores as in this act defined, within this state, under the same general management, supervision or ownership, shall pay the license fee or fees herein set forth annually, in addition to the filing fee required by section 1 of this act.

Such license fees shall be:

| No. of stores | Fees for each | No. of stores         | Fees for each |
|---------------|---------------|-----------------------|---------------|
| 1             | \$ 5.00       | 11                    | \$230.00      |
| 2             | 10.00         | 12                    | 260.00        |
| 3             | 20.00         | 13                    | 290.00        |
| 4             | 35.00         | 14                    | 320.00        |
| 5             | 55.00         | 15                    | 350.00        |
| 6             | 80.00         | 16                    | 380.00        |
| 7             | 110.00        | 17                    | 410.00        |
| 8             | 140.00        | 18                    | 440.00        |
| 9             | 170.00        | 19                    | 470.00        |
| 10            | 200.00        | On each store over 19 | 500.00        |

**Sec. 5. 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  $\frac{1}{2}$  of the full rate, as prescribed in section 4 of this act.

**Sec. 6. Parties to whom act applies.** The provisions of this act shall apply to every person, firm, partnership, association or corporation, either domestic or foreign, establishing, owning, operating, managing or maintaining any store as herein defined which is owned, controlled, directed or managed directly or indirectly by stock ownership or otherwise by 1 or more persons, associations, or methods of ultimate management. Lease and ownership, lease and agency, lease and release, or oral or written agreements, or contracts, where such relationships, agreements or contracts embrace provisions for exclusive sale of particular commodities in whole or part, or where contracting parties share any expenses of the retail operations, or where there is no reasonable rental involved, or where the rental is based upon the dollar or quantity volume of business done, or where the contracting parties have the relation of employer and employe, either directly or by inference, or where relationships, agreements or contracts provide for unequal cancellation of same, or where operation of such sales outlet is under a common name shall be deemed to constitute operations under the same general management, supervision or ownership.

**Sec. 7. Definition of term "store".** The term store as used in this act shall mean and include any store or stores, shop, mercantile establishment, office, warehouse, depot, business stand or station or other place where trade or business is carried on, where goods, wares and merchandise of any kind are sold at retail.

**Sec. 8. Penalty.** Any person, firm, partnership, association or corporation 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 offense as to each and every store opened, established, operated or maintained by any person, firm, corporation, association or partnership.

**Sec. 9. 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. 10. Clerical assistants; payment of expenses.** The bureau of taxation 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. 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 bureau of taxation 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. Rules and regulations.** The state tax assessor may make such reasonable rules and regulations regarding the administration and enforcement of the provisions of this act as he may deem necessary or expedient.

**Sec. 12. 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. 13. Effective date of act.** This act shall be in effect from and after the 1st day of November, 1937.

**Emergency clause.** In view of the emergency cited in the preamble hereof, this act shall take effect as provided in section 13.