

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 119**

S. P. 138

In Senate, January 26, 1939.

Referred to Committee on Judiciary and sent down for concurrence. 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Harkins of Androscoggin.

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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-NINE

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**AN ACT Relating to Closing Out Sales and Similar Types of Sales.**

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

**Sec. 1. Offer for sale of stock of goods.** No person shall offer for sale a stock of goods, wares or merchandise under the designation of "closing out sale", "going out of business sale", "discontinuance of business sale", "removal sale", or other designation of like meaning, in any city or town, unless he has had a usual place of business therein for at least one year prior to such offering for sale, without having first filed with the clerk of such city or town prior to the opening of such sale, a complete inventory of all items to be included in such sale which inventory shall include only goods, wares and merchandise actually in the place of business, wherein or wheremat such sale is to be conducted at the opening of the sale, nor without having first filed with said clerk a good and sufficient bond, payable to the city or town, in the penal sum of \$1000, with sureties approved by the mayor or selectmen or by a justice of the superior court, conditioned upon compliance with sections 1 and 2 of this act; provided, that, after a change of ownership of the whole of such stock, or of the entire balance of such stock, in case a portion thereof has already been so sold, no person shall carry on such sale until the new owner of such stock or balance, unless he has had a usual place of business for at least one year as aforesaid, shall

have filed with the city or town clerk an inventory and bond as hereinbefore provided.

**Sec. 2. Additions to the stock offered for sale.** No person subject to section 1 of this act conducting such a sale shall add to the stock offered for sale thereat unless an itemized list of the goods, wares or merchandise so added shall first have been advertised in a newspaper published in the city or town wherein such sale is being conducted or unless each item of stock so added is plainly and conspicuously designated as having been so added by a statement in the English language on the item or its container or on a tag or label attached thereto.

**Sec. 3. Not applicable to sales by certain officials.** Sections 1 and 2 shall not apply to sales made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell personal property.

**Sec. 4. Penalty.** Whoever violates any provision of sections 1 and 2 shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, and each day on which a sale is conducted in violation of any of said provisions shall constitute a separate offense.