

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

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

---

---

**Legislative Document**

**No. 1023**

---

---

S. P. 486

In Senate, March 14, 1939.

Reported by Senator Kennedy of Hancock from Committee on Banks and Banking and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Hill of Cumberland by request.

---

---

## S T A T E   O F   M A I N E

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

---

### AN ACT Defining the Terms "Dealer" and "Securities".

---

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

**R. S., c. 57, § 165, amended.** Section 165 of chapter 57 of the revised statutes, as amended, is hereby further amended to read as follows:

**'Sec. 165. Definition of terms "dealer" and "securities"'** Under sections 162 to 174, both inclusive, the term "dealer" shall mean any individual, partnership, association, or corporation engaging in the business of selling or offering for sale securities, except to, or through the medium of, or as agent or salesman of, a registered dealer. But sales made by, or in behalf of, a vendor in the ordinary course of bona fide personal investment, or change of investment, shall not constitute such vendor, or the agent of such vendor, if not otherwise engaged either permanently or temporarily in selling securities, a dealer in securities.

The term "securities" shall include all stocks, bonds, debentures, or certificates of participation, all ship shares, all documents of title and certificates of interest in any profit sharing agreement or in any oil, gas or mining lease, royalty, right or interest, or in the title to or any profits or earnings from land or other property situated outside of Maine, and all other forms of securities, except that it shall not be held to include commercial paper or other evidence of debt running not more than 9 months, or notes

secured by mortgage of real estate in this state, or the shares of loan and building associations organized under the laws of this state. The term "securities" shall further include documents of title to and certificates of interest in real estate **including cemetery lots** and personal estate when the sale and purchase thereof is accompanied by or connected in any manner with any contract, agreement or conditions, (other than a policy of title insurance issued by a company authorized to do a title insurance business in the state of Maine), under the terms of which the purchaser is insured, guaranteed or agreed to be protected against financial loss or is promised financial gain.

Persons regularly employed by public utilities whose securities are authorized by the public utilities commission, and by corporations whose securities are legal for purchase by savings banks under the statutes of any New England state, shall not be deemed security dealers, agents or salesmen if the occasional sale by such employee of securities issued by the employer utility or corporation, or issued by a corporation operating in Maine and owning or controlling such employer utility or corporation, is only incident to, and not a part of the usual duties of such employment.'