

MAINE STATE LEGISLATURE

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

Legislative Document

No. 554

H. P. 1067

House of Representatives, February 17, 1943.

On motion of Mr. Downs of Rome tabled pending reference. Ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Denny of Damariscotta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relative to Licensing Dealers in Livestock.

Preamble. The purposes of this act are to suppress unfair and fraudulent practices in the buying and selling of livestock within this state, and to suppress practices in such transactions which tend against the elimination of diseased and unfit livestock. In respect to dealers in livestock this article supplements and does not supersede other provisions of this chapter. This article shall not apply to the sale of livestock at public auction by duly licensed and bonded auctioneers, nor to any agricultural cooperative corporation in its dealings with its members, nor to persons licensed under the federal packers and stockyards act in respect to transactions regulated under that act, nor to farmers selling or buying livestock for the purposes of disposing of or restocking their own herds or flocks.

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

Sec. 1. Definitions. 1. The term "livestock" shall include all cattle (dairy, feeding, beef or breeding animals), sheep, goats, swine and horses.

2. The term "dealer" means any person engaged in the business of buying or selling livestock, whether such purchase or sale be completed by cash, delayed payment, transfer, exchange, barter, or shipment on com-

mission. A person who receives livestock exclusively for slaughter on his own premises shall not be termed a dealer.

3. The term "agent" means any person acting for or in behalf of another in any of the transactions which constitute being a dealer as above defined.

Sec. 2. Livestock dealers to be licensed; agents to be designated. On and after 1943, no person shall act as a dealer unless duly licensed as hereinafter provided; and no agent shall act for any dealer unless the dealer is duly licensed and has duly designated such agent to act in his behalf. Designations shall be filed with the commissioner in such manner as he shall provide by uniform rule or regulation. A dealer shall be accountable and responsible for acts of his agents. No person not licensed as a dealer shall in any way represent himself as such, and no person shall in any way represent himself as agent for a dealer unless the dealer is so licensed and he is so designated.

Sec. 3. Applications and license fees. Application upon a form prescribed by the commissioner shall be made on or before June 1st in each year, for the license year beginning July 1st following. The applicant shall satisfy the commissioner of his character and financial responsibility. The commissioner, if so satisfied, shall issue to such applicant, on payment of \$5 license fee, a license entitling the applicant to act as a dealer.

Sec. 4. Refusing and revoking licenses. The commissioner may decline to grant or may revoke a license when he is satisfied that the applicant or dealer is subject to any of the following disqualifications:

(a) That he has violated the statutes of the state of Maine or of the United States or official regulations governing the interstate or intrastate movement, shipment or transportation of cattle.

(b) That he has made false or misleading statements as to the health or physical condition of cattle with regard to official tests.

(c) That he has practiced fraud or misrepresentation in transactions relative to cattle.

(d) That he has knowingly sold for dairy or breeding purposes cattle that are affected with a communicable disease and likely to transmit such disease to other cattle or human beings, except under the supervision of the commissioner.

(e) That he has failed to practice ordinary measures of sanitation of barns, stables, premises or vehicles used for the stabling, holding or transportation of cattle.

(f) That he has engaged in a continual course of dealings of such a nature as to satisfy the commissioner of his inability or unwillingness properly to conduct the business of a dealer.

(g) That he has previously been responsible in whole or in part for any act on account of which a license of himself or of another was revoked.

(h) In case of a partnership or a corporation, that any individual holding any position of interest or power of control has previously been responsible in whole or in part for any act on account of which a license was revoked.

Sec. 5. Records. Every dealer shall keep such accounts, records and memoranda as fully and clearly disclose all transactions involved in his business, and shall produce them for inspection when requested by the commissioner.

Sec. 6. Proceedings for revocation. Before any license shall be revoked, the commissioner shall give the licensee 10 days' notice, personally or by mail, of the time and place of hearing. At such hearing the commissioner shall receive evidence and hear the licensee and shall thereafter file an order either dismissing the proceeding or revoking such license. Any licensee who feels aggrieved or dissatisfied with the decision of the said commission may appeal from said decision within 10 days to the superior court in the county where the licensee resides, or in the case of a non-resident, to the superior court in the county of Kennebec.