

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 960**

H. P. 1652

House of Representatives, February 23, 1949

Referred to the Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Robbins of Houlton.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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**AN ACT Relating to Itinerant Vendors.**

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

**Sec. 1. R. S., c. 80, § 83, sub-§ XV, amended.** The 2nd paragraph of subsection XV of section 83 of chapter 80 of the revised statutes is hereby amended to read as follows:

‘This subsection shall not apply to commercial agents or other persons selling by ~~samples~~, lists, catalogues, or otherwise, goods, wares or merchandise for future delivery; to persons selling fish, or to persons selling farm, dairy or orchard products of their own production, and to persons selling bark, wood or forest products, and to persons selling newspapers or religious literature.’

**Sec. 2. R. S., c. 88, § 98, amended.** Section 98 of chapter 88 of the revised statutes is hereby amended to read as follows:

‘**Sec. 98. Persons exempt.** The provisions of the 15 preceding sections shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, ~~nor to bona fide sales of goods, wares, and merchandise by sample for future delivery~~ nor to hawkers or peddlers on the streets or peddlers from vehicles.’

Sec. 3. R. S., c. 88, §§ 99-A - 99-K, additional. Chapter 88 of the revised statutes is hereby amended by adding thereto 11 new sections to be numbered 99-A to 99-K, inclusive, to read as follows:

#### Itinerant Photographers

Sec. 99-A. Itinerant photographers, license. It is hereby declared that it is in the public interest to require the licensing of persons desiring to practice the profession of an itinerant photographer, as conducted by a person, partnership or corporation having no regularly established place of business in this state who personally or by agents or servants goes from town to town or from place to place within a town soliciting the making of photographic pictures or reproductions with a view to selling the same to the persons solicited, and it shall be unlawful for any person to practice as an itinerant photographer until such person shall have been licensed as hereinafter provided.

Sec. 99-B. License fees. Any person who practices the profession of an itinerant photographer in this state, whether as principal, agent or servant, and whether engaged in soliciting or in one or more of the operations involved in the making of photographic pictures or reproductions, shall obtain a license as hereinafter provided, paying therefor an annual fee of \$100. Such license shall be issued by the state tax assessor. Each license shall contain a statement of the name, place of residence and address of the licensee, his place of birth and his nationality, and shall contain his description and such additional information as the tax assessor may prescribe, and shall be numbered and memorandum thereof recorded by the tax assessor in a book kept for that purpose.

Sec. 99-C. Application. Application for an itinerant photographer's license shall be made in writing to the state tax assessor upon blanks prepared by him and furnished for that purpose. Such application shall contain a statement of the name, place of residence and address of the applicant, the place of his birth, his nationality, a description of the applicant together with his photograph, the name and address of the principal place of business of his employer or principal, and such other additional relevant information as the tax assessor may require. The application shall be accompanied by a remittance to cover the amount of the fee.

Sec. 99-D. Refusal and revocation. The tax assessor shall have the right to refuse a license when he has reason to believe that the applicant is not of good moral character or not financially responsible, or when in his judgment the applicant is not a suitable person to have such a license, and may for reasonable cause revoke the license of any itinerant photographer.

**Sec. 99-E. Time of expiration.** Each license granted as herein provided shall, unless sooner revoked, expire on December 31, of the year in which it is issued.

**Sec. 99-F. Local license.** A license to practice as an itinerant photographer shall not be valid unless signed by the tax assessor or his deputy, and no license shall be issued or granted by the officials of any municipality to any person who has not received a license issued by the tax assessor according to the provisions of sections 99-A to 99-K, inclusive.

**Sec. 99-G. Penalty.** Any person who violates any of the provisions of sections 99-A to 99-K, inclusive, or who practices as an itinerant photographer without being licensed as provided in section 99-B or who makes a false statement in, or in connection with, an application for such license, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 11 months, or by both such fine and imprisonment.

**Sec. 99-H. Showing license.** Any person licensed to practice as an itinerant photographer who refuses to show his license upon request shall be punished by a fine of not more than \$25.

**Sec. 99-I. Local license.** The mayor and aldermen of any city, or selectmen of any town may grant licenses to persons desiring to practice as itinerant photographers within their respective municipalities, and fix the fee therefor, and may revoke such licenses when in their judgment the public interests require it.

**Sec. 99-J.** Any person who practices as an itinerant photographer in any town or city without having first obtained a license from the municipal officers, if one is required, shall be punished by a fine of not more than \$100.

**Sec. 99-K. Construction.** The provisions of sections 99-A to 99-K, inclusive, shall not be construed as repealing or affecting any law applicable to a particular town, city or village heretofore enacted or any ordinance or by-law heretofore adopted in conformity with such law.'