

# 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)

Transmitted by Director of Legislative Research pursuant to joint order.

---

---

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

---

---

**Legislative Document**

**No. 1220**

H. P. 1650

House of Representatives, March 16, 1951

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Robbins of Houlton.

---

---

**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

---

---

**AN ACT Regulating Closing-Out Sales, So-Called, and Similar Types of  
Sales.**

---

---

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

R. S., c. 88, §§ 72-A - 72-F, additional. Chapter 88 of the revised statutes is hereby amended by adding thereto 6 new sections to be numbered 72-A to 72-F, inclusive, to read as follows:

**'Closing-Out Sales**

Sec. 72-A. Closing out sales; bond; itemized list. 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," "auction sale" or other designation of like meaning in any city or town, 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 all goods, wares or merchandise actually in the place of business, wherein or whereat such sale is to be conducted or stored at a warehouse, at the opening of the sale, nor without having first filled with said clerk a good and sufficient bond, payable to the city or town, in the penal sum of \$1,000, with sureties approved

by the mayor or city manager of such city, or by the selectmen of such town, or by a trial justice or a judge of the municipal court in whose jurisdiction is situated the city or town in which such sale is to be conducted, conditioned upon compliance with sections 72-A and 72-B. Upon request of the principal of any bond given in connection with such sale, the clerk of the city or town shall surrender such bond, if he is satisfied that the sale has ended, that all signs relating to such sale have been removed, and that there has been no breach of the conditions of the bond.

**Sec. 72-B. Additional stock.** No person subject to section 72-A 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 and 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. 72-C. Time of sale.** In no event shall such a sale be conducted for a period longer than 60 calendar days.

**Sec. 72-D. Application.** In case of an auction sale, the provisions of sections 73 to 82-H, inclusive, of chapter 88 shall continue to be applicable.

**Sec. 72-E. Penalty.** Whoever violates any provision of sections 72-A to 72-F, inclusive, 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.

**Sec. 72-F. Limitation.** Sections 72-A to 72-F, inclusive, shall not apply to sales conducted or 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.'