

MAINE STATE LEGISLATURE

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

Legislative Document

No. 280

H. P. 297

House of Representatives, February 1, 1955.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Edgar of Bar Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Regulating Closing-Out Sales and Similiar Types of Sales.

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

Sec. 1. R. S., c. 100, §§ 79-A - 79-D, additional. Chapter 100 of the revised statutes is hereby amended by adding thereto 4 new sections to be numbered 79-A to 79-D, inclusive, to read as follows:

‘Closing-out Sales.

Sec. 79-A. License required to conduct closing-out sales, and requirements for obtaining. No person or persons 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,” “Entire Stock Must Go,” “Must Sell to the Bare Walls,” or other designation which states, directly or by implication, an intent by such person or persons to dispose of the entire stock of goods with a view to permanently terminating further business after such disposal is complete, unless such person or persons shall have first complied with the following requirements:

I. That such person or persons shall, before the beginning of such disposal sale, obtain, from the municipal officers of the city or town in which such sale shall be conducted, a license to conduct such sale. To obtain such license the applicant shall pay to the said municipal officers a fee of \$25 and shall file with said municipal officers, in writing and under oath, a complete inventory of all items to be included in such sale. Such license shall be valid and effective for a period of 60 days from date of issuance, unless revoked as hereinafter provided, and the validity of such license may be extended for a period of 60 additional days if the licensee shall furnish to the said municipal officers an

affidavit to the effect that all goods, wares or merchandise listed in the above-mentioned inventory have not been disposed of within the original 60-day period.

II. That such person or persons shall affirm, in writing and under oath, to the said municipal officers that no merchandise shall be included in the stock offered for sale unless said merchandise shall have been in or at the place of business wherein or whereat such sale is to be conducted at the time of the opening of the sale.

Sec. 79-B. Violations and penalties therefore. Any licensee under the foregoing conditions, who shall in any way fail to comply with those conditions, or any person or persons who shall conduct such a disposal sale without first having obtained such license, 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 these provisions shall constitute a separate offense.

Sec. 79-C. Powers of municipal officers to revoke license. The aforesaid municipal officers shall revoke any license issued in accordance with these regulations if the licensee shall be convicted of violating any of the foregoing provisions, and the municipal officers shall have the right to refuse to issue another license to any applicant who has, prior to application therefore, been convicted of violating any of the foregoing provisions.

Sec. 79-D. Limitations. The foregoing provisions 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.'

Sec. 2. R. S., c. 100, §§ 80-83, repealed. Sections 80 to 83, inclusive, of chapter 100 of the revised statutes are hereby repealed.