

# MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

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Legislative Document

No. 239

H. P. 174

House of Representatives, January 29, 1957.

Referred to the Committee on Business Legislation, sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Brockway of Milo.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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AN ACT Relating to Licensing of Persons Buying and Selling Junk.

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

**Sec. 1. R. S., c. 100, § 133, repealed.** Section 133 of chapter 100 of the Revised Statutes is hereby repealed.

**Sec. 2. R. S., c. 100, §§ 136-A - 136-L, additional.** Chapter 100 of the Revised Statutes is hereby amended by adding 12 new sections, following section 136, to be numbered 136-A to 136-L, inclusive, to read as follows:

**‘Sec. 136-A. License; “junk dealer” defined.** It is declared that it is in the public interest to require the licensing of persons desiring to do business as junk dealers; and a junk dealer is defined to be a person, firm or corporation who personally or by agents or servants goes from town to town or from place to place within the State collecting junk by purchase or otherwise, whether or not by previous contract or arrangement; and it shall be unlawful for any person to engage in such business until such person shall have been licensed as herein-after provided, but nothing herein contained shall offset the right of any municipal officers to require local licenses and to make such regulations relative to junk dealers as may be permissible under the general law or under any municipal charter.

The word “junk” as herein used shall mean old iron, chains, brass, copper, tin, lead or other base metals, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, chips, bagging, rubber and glass, and empty bottles of different kinds when less than 1 gross, and all articles discarded or no longer used as a manufactured article composed of any one or more of the materials mentioned.

Sec. 136-B. Fees. Every person before commencing business as a junk dealer shall obtain a State license as hereinafter provided, paying therefor an annual fee of \$100. Such license shall be issued by the Secretary of State. Each license shall state the nature of the license, and 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 Secretary of State may prescribe, and shall be numbered and memorandum thereof recorded by the Secretary of State in a book kept for that purpose. All files and records, both of the Secretary of State and of the several towns relative to such licenses, shall be in convenient form and open for public inspection.

Sec. 136-C. Application. Application for a junk dealer's license shall be made in writing to the Secretary of State upon blanks prepared by him for that purpose. In the case of persons, the application shall contain the name, age, residence and address, and the name and address of the principal place of business of his employer or principal. In the case of corporations, the application shall contain the name, address of principal place of business, and names of its officers. The license fee shall be paid when the application is filed.

Sec. 136-D. State licenses. A license to engage in business as a junk dealer shall not be valid unless signed by the Secretary of State or his deputy, and no license shall be issued or granted by the officers of any municipality to any person who has not received a license issued by the Secretary of State according to the provisions of sections 136-A to 136-D, inclusive.

Sec. 136-E. Time of expiration. Each license granted under the provisions of sections 136-A to 136-D, inclusive, shall, unless sooner revoked, expire on December 31st of the year in which it is issued.

Sec. 136-F. Refund and revocation. The Secretary of State 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 junk dealer.

Sec. 136-G. Local license. Any person who engages in business as a junk dealer in any town or city in this State without having first obtained a license from the municipal officers, if one is required, shall be punished as provided in section 136-K.

Sec. 136-H. Showing license. Any person licensed as a junk dealer who refuses to show his license upon request shall be punished as provided in section 136-K.

Sec. 136-I. Junk dealers to keep records. Every dealer in junk shall keep a record of the name of every person selling such junk to said dealer and also the registration number of the motor vehicle used by such seller in the delivery of such junk. These records shall be open for the inspection of any officer of the law. Whoever fails to make such records as provided by this section shall be punished as provided in section 136-K.

Sec. 136-J. Junk dealer required to file statement with Secretary of State. Every dealer in junk shall at the time of each purchase, or exchange, or receipt

for the purpose of sale of any junk, cause to be subscribed by the person from whom obtained, a statement as to whom, when, and from whom he obtained such property, and account or description of the same, also his age, residence by city or town, and the street and number thereon, if any, and otherwise such description as will reasonably locate the same, his occupation and name of his employer and place of employment or business, which statement the junk dealer will forthwith file in the office of the Secretary of State. Failure to comply with the provisions of this section shall be punished as provided in section 136-K.

Sec. 136-K. Violation. Any person who violates any of the provisions of sections 136-A to 136-J, 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 3 months, or by both.

Sec. 136-L. Construction. The provisions of sections 136-A to 136-K, inclusive, shall not be construed as repealing or affecting any law applicable to a particular town or city heretofore enacted or any ordinance or by-law heretofore adopted in conformity with such law.'