

MAINE STATE LEGISLATURE

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NINETY - NINTH LEGISLATURE

Legislative Document

No. 404

H. P. 272

House of Representatives, February 4, 1959.

Referred to Committee on Business Legislation. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Curtis of Bowdoinham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to the Licensing and Distribution of Trading Stamps.

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

R. S., c. 100, §§ 136-A - 136-K, additional. Chapter 100 of the Revised Statutes is amended by adding 11 new sections to be numbered 136-A to 136-K, to read as follows :

'Trading Stamps.

Sec. 136-A. License. It is declared that it is in the public interest to require the licensing of persons desiring to engage in or carry on the business of issuing or selling to merchants trading stamps, or any device or substitute therefor, or any stamps or certificates of like character which are to be given by merchants to purchasers of goods, wares or merchandise and which said stamps, certificates or devices, or substitute therefor, the person issuing or selling the same agrees to accept in payment for goods, wares and merchandise kept on hand by himself or another for redemption or for distribution by the person issuing or selling such stamps or certificates. It shall be unlawful for any person to engage in such business until such person shall have been licensed as provided in sections 136-A to 136-K, but nothing herein contained shall be construed as limiting the right of merchants to distribute such stamps.

Sec. 136-B. Fees. Every person before engaging in or carrying on the business of issuing or selling trading stamps to merchants in this State and annually on or before December 31st thereafter shall obtain from the State Tax Assessor a state license paying therefor an annual fee of \$50. Each license shall state the nature of the license, the date of issuance, the name and address of the licensee and such additional information as the State Tax Assessor may prescribe.

Sec. 136-C. Application. Application for a state license to issue or sell trading stamps to merchants shall be made in writing on forms furnished by the State Tax Assessor.

Sec. 136-D. Gross receipts tax. A tax is imposed at the rate of 3% on the gross receipts from business done within this State of every such trading stamp company.

Sec. 136-E. Reports. Every trading stamp company doing business in this State shall file a report with the State Tax Assessor on or before January 31st annually stating the amount of gross receipts from business done in Maine for the preceding calendar year.

Sec. 136-F. Payment of tax; filing fee. Every trading stamp company required to report under the provisions of section 136-E shall, at the time of filing such report, pay tax on the gross receipts so reported; and at the same time shall pay a filing fee of \$50.

The State Tax Assessor shall pay over all receipts collected to the Treasurer of State daily.

Sec. 136-G. Records of trading stamp companies. Every trading stamp company shall keep records of his sales, the kind and form of which shall be adequate to enable the State Tax Assessor to determine the tax liability. All such records shall be safely preserved for a period of 3 years in such manner as to insure their security and accessibility for inspection by the State Tax Assessor or by any of his employees engaged in the administration of sections 136-A to 136-K. The State Tax Assessor may consent to the destruction of any such records at any time within said period.

Sec. 136-H. Power to examine records and premises. The State Tax Assessor whenever he shall deem it expedient, may make or cause to be made by any employee of the State Tax Assessor engaged in the administration of sections 136-A to 136-K, an examination or investigation of the place of business, the tangible personal property, and the books, records, papers, vouchers, accounts and documents of any trading stamp company. It shall be the duty of every trading stamp company and of every director, officer, agent or employee of every trading stamp company to exhibit to the State Tax Assessor or to any such employee of the State Tax Assessor, the place of business, the tangible personal property, and all of the books, records, papers, vouchers, accounts and documents of the said trading stamp company, and to facilitate any such examination or investigation so far as it may be in his or their power to do so. It shall be lawful for the State Tax Assessor, or any employee of the State Tax Assessor by him thereto duly authorized, to take the oath of any person signing any application, deposition, statement or report required by the State Tax Assessor in the administration of sections 136-A to 136-K. This section shall also apply to any person who, the State Tax Assessor has reason to believe, is liable to the payment of a tax under sections 136-A to 136-K.

Sec. 136-I. Assessments. The State Tax Assessor shall have the right to make assessments if he finds upon audit that tax has been understated; or if the trading stamp company fails to report in accordance with section 136-E.

Sec. 136-J. Appeal. Any taxpayer aggrieved by the decision may, within 90 days after notice thereof from the State Tax Assessor, appeal therefrom to the next term of the Superior Court to be begun and held more than 30 days after such notice of said decision in any county where he has a regular place of business, or, if he has not such place of business within the State, to such term of the Superior Court in Kennebec County. The appellant shall, on or before the 3rd day of the term to which such appeal is taken, file an affidavit stating his reasons of appeal and serve a copy thereof on the State Tax Assessor, and in the hearing of the appeal shall be confined to the reasons of appeal set forth in such affidavit. Jurisdiction is granted to the Superior Court to hear and determine such appeals and to enter such order and decrees as the nature of the case may require. Hearings may be had before the court in term time or any justice thereof in vacation and the decision of said court or justice upon all questions of fact shall be final. Decisions shall be certified to the State Tax Assessor.

Sec. 136-K. Exemptions. Sections 136-A to 136-G shall not apply to tickets, coupons or other vouchers placed by a merchant or manufacturer in or upon packages of goods sold or manufactured by him if such tickets, coupons or other vouchers are to be redeemed by such merchant or manufacturer.'