

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1218

S. P. 422

In Senate, March 12, 1959

Referred to Committee on Business Legislation. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Ross of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Licensing of Home Party Plan Demonstrators.

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

R. S., c. 100, §§ 119-A - 119-H, additional. Chapter 100 of the Revised Statutes is amended by adding 8 new sections to be numbered 119-A to 119-H, to read as follows :

‘Sec. 119-A. Merchandising club demonstrators; license. It is declared that it is in the public interest to require the licensing of merchandising club demonstrators. A merchandising club demonstrator is defined as any person, other than an agent or employee, whether as a demonstrator or independent selling agent, who personally solicits orders for merchandise or makes contracts for the future delivery of the same in sale to the ultimate user or consumer of such merchandise, where such merchandise is sold or supplied by any person, firm or corporation having no regularly established place of business in this State, through, or in connection with, any merchandising club or similar device operated by the demonstrator, for which the demonstrator, for organizing or conducting such club, or for furnishing to such person, firm or corporation, orders for merchandise of persons who become members of the club, receives from such person, firm or corporation, free merchandise or special discounts; and it shall be unlawful for any person to so engage as a merchandising club demonstrator until such person shall have been licensed as provided. The words “regularly established place of business” are defined to mean a place of business open to the public at least 5 days a week for not less than 6 hours daily and having one or more persons in charge thereof, or warehouse facilities in which such merchandise is customarily stored.

Sec. 119-B. License fee. Any person, other than an agent or employee, who engages as a merchandising club demonstrator in this State, shall obtain a license as provided, paying therefor an annual fee of \$10 which shall be deposited daily by the Secretary of State with the Treasurer of State and credited to the General Fund. Such license shall be issued by the Secretary of State. Each license shall contain the name, age, residence and address of the licensee, 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.

Sec. 119-C. License application. Application for a merchandising club demonstrator's license shall be made in writing to the Secretary of State upon blanks prepared by him for that purpose. The application shall contain the name, age, residence and address of the license applicant, the name and principal place of business of his seller or supplier, and such additional information as the Secretary of State may prescribe. The license fee shall be paid when the application is filed.

Sec. 119-D. Refusal and revocation of license. 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 merchandising club demonstrator.

Sec. 119-E. Time of expiration of license. All state licenses issued under section 119-B, shall, unless sooner revoked, expire on December 31st of the year in which it is issued.

Sec. 119-F. Validity of license. A merchandising club demonstrator's license shall not be valid unless signed by the Secretary of State 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 Secretary of State according to section 119-B.

Sec. 119-G. Penalty for violation. Any person who violates sections 119-A to 119-H, or who so engages as a merchandising club demonstrator without being licensed under section 119-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.

Sec. 119-H. Municipal license authorized. The municipal officers of any municipality may grant licenses to persons desiring to engage as merchandising club demonstrators within their respective municipalities, and fix the fee therefor, and may revoke such licenses when in their judgment the public interests require it. Any person who engages in business as a merchandising club demonstrator without having first obtained a license from the municipal officers, if one is required, shall be punished by a fine of not more than \$25.