

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-SEVENTH LEGISLATURE

OF THE

## STATE OF MAINE

1895.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1895.

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**Chapter 97.**

An Act to amend chapter two hundred and fifty-nine of the Public Laws of eighteen hundred and ninety-three, entitled "An Act to prevent and punish fraud in sales of goods, wares and merchandise at public or private sale by Itinerant Vendors, and to regulate such sales."

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. Section four of chapter two hundred and fifty-nine of the public laws of eighteen hundred and ninety-three is hereby amended by adding at the end of said section the following words, 'no person shall be entitled to hold, or directly or indirectly receive the benefit of more than one state license at any one time, and any license obtained, held or used in violation of law is void,' so that said section, as amended, shall read as follows :

Sec. 4, ch. 250,  
Public Laws  
of 1893,  
amended.

SECT. 4. Every itinerant vendor desiring to do business in this state shall deposit with the secretary of state the sum of five hundred dollars as a special deposit, and after such deposit, upon application in proper form and the payment of a further sum of twenty-five dollars as a state license fee, the secretary of the state shall issue to him an itinerant vendor's license, authorizing him to do business in this state in conformity with the provisions of this act for the term of one year from the date thereof. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid that principal but not to act for or without him. No person shall be entitled to hold, or directly or indirectly receive the benefit of more than one state license at any one time, and any license obtained, held or used in violation of law is void.'

Vendors shall  
deposit \$500  
with secretary  
of state,  
before procur-  
ing license.

—shall not be  
transferable.

SECT. 2. Section five of said act is hereby amended by inserting after the word "for" in the first line, the word 'state,' and by striking out the words "respective town and city clerks," in the seventh line, and inserting the words 'several towns relative to such licenses,' so that said section as amended, shall read as follows :

Sec. 5,  
amended.

SECT. 5. All applications for state licenses shall be sworn to, shall disclose the names and residences of the owners or

Applications  
shall be sworn  
to, and shall

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disclose name  
and residence  
of owners.

parties in whose interests said business is conducted, and shall be kept on file by the secretary of state, and a record shall be kept by him of all licenses issued upon such applications. 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. 6,  
amended.

SECT. 3. Section six of said act is hereby amended by striking out the whole section, and inserting in place thereof the following :

Licenses shall  
be filed with  
collector, and  
local license  
fee paid.

'SECT. 6. Every itinerant vendor intending to sell goods in any town shall file his state license and an application for a local license with the collector of taxes for such town, and before selling, offering or exposing for sale any goods in such town shall pay to the collector for the use of such town, as a further local license fee for such sale in such town, a sum to be computed as provided in the next following section. A receipt for said local license fee when paid shall be indorsed by said collector on the back of such state license, which shall remain on file with such collector so long as such sale shall continue or such goods be kept, exposed or offered for sale in such town. Every application for a local license shall be signed by the holder of the accompanying state license and shall specify the kind and line of goods then in stock in such town, the name of the town from which said goods were last shipped, and the name of the town in which said goods were last exposed or offered for sale. Such local license fee shall be computed and collected in each town respectively, in which said goods shall be successively offered or exposed for sale.'

—what appli-  
cation for local  
license shall  
specify.

Sec. 7,  
amended.

SECT. 4. Section seven of said act is hereby amended by striking out the whole of said section, and inserting in place thereof the following :

Assessors  
shall have  
notice,  
examine stock  
and certify to  
collector,  
amount of  
local license  
fee.

'SECT. 7. The collector of taxes for any town upon receiving an application in due form as provided in the last preceding section, accompanied by such applicant's state license shall forthwith give notice thereof to the assessors of said town. Said assessors, or a majority of them, shall as soon as practicable examine the stock of goods described in such application, and shall compute and certify to said collector the amount of said applicant's local license fee for such intended sale in said town which shall be a percentage on the

full value of said stock of goods equal to the rate per cent of the last preceding taxation in said town. The payment of said local license fee to said collector shall authorize such applicant who has complied with all other requirements of law to sell within the limits of said town, such goods, wares and merchandise as are described in his application, and for that purpose to carry in stock in said town, goods only of the kind or line specified in his application, and not to exceed in amount at any one time the valuation on which his local license fee for such town was computed, and to continue in force so long as such licensee shall in good faith continuously keep, offer and expose for sale the same kind or line of goods specified in his application, except that such license and authority shall in any event terminate and expire on the first day of April next following the date of application. Any itinerant vendor, who after applying or paying for a local license shall increase his stock kept, offered or exposed for sale in the town for which such local license fee was paid above the valuation on which such local license fee was computed, without first making seasonable written application to the collector of such town for a supplemental license for such excess of stock shall be fined not less than twenty nor more than fifty dollars, and for each day such excess of stock is kept, offered or exposed for sale without payment of local license fee therefor shall be fined not less than twenty nor more than fifty dollars, and forfeit his state license. Supplemental licenses shall be applied for, and the fees therefor shall be computed, certified and collected in the manner provided for local license fees.'

—fee, how computed.

Vendor shall pay additional license fee, when stock is increased.

—supplemental license may be granted.

SECT. 5. Section eight of said act is hereby amended by striking out the whole of said section, and inserting in place thereof the following :

Sec. 8, amended.

SECT. 8. Whoever as proprietor or clerk, having in his care, custody or keeping, any goods for the sale of which a local license is required, neglects or refuses to file the application for local license required by law, or whoever makes a false or fraudulent representation or statement in any application for a local license, shall be fined not less than twenty nor more than fifty dollars for each day such goods are kept, offered or exposed for sale. The penalties provided in this act are not to be construed as substitutes for payment of local license fees.'

Penalty for neglect to file application for local license.

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SECT. 6. Section nine of said act is hereby amended, so as to read as follows :

Sec. 9,  
amended.

Town has lien  
on goods, for  
license fees.

‘SECT. 9. Every town in which is kept, exposed or offered for sale an itinerant vendor's stock of goods has a lien on such goods for the amount due such town for local license fee on such stock, to be enforced by suit and attachment within ten days from the time such goods were first publicly offered or exposed for sale in such town. When any person liable therefor neglects or refuses to pay the local license fee provided in this act, the tax collector of the town to which such license fee is due may maintain an action of debt by writ of attachment or trustee process therefor in the name of such town or in his own name, but for the benefit of such town. It is made the duty of tax collectors, police officers and constables to prosecute for violations of the provisions of this act in their respective towns, and to report such violations promptly to the assessors for the purpose of computing and certifying such local license. Municipal courts and trial justices shall have concurrent jurisdiction with the supreme judicial and superior courts of all complaints and prosecutions under this act.’

—collector  
may maintain  
an action of  
debt, for fee.

—collector,  
police officers,  
and constables,  
charged with the duty  
of enforcement.

Sec. 15,  
amended.

SECT. 7. Section fifteen of said act is hereby amended by adding at the end of said section the following words : ‘No itinerant vendor shall be relieved or exempted from the provisions and requirements of this act by reason of associating himself in business temporarily with any local dealer, trader or merchant, or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader or merchant,’ so that said section as amended, shall read as follows :

Construction  
of words,  
“Itinerant  
vendors.”

‘SECT. 15. The words ‘itinerant vendors’ for the purposes of this act shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this state, either in one locality or in traveling from place to place selling goods, wares and merchandise, and who, for the purposes of carrying on such business, hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise. No itinerant vendor shall be relieved or exempted from the provisions and requirements of this act by reason of associating himself temporarily with any local dealer, trader or mer-

Vendor shall  
not be exempt  
by associating  
himself with  
local trader.

chant, or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader or merchant.' CHAP. 98

Approved March 14, 1895.

### Chapter 98.

An Act to provide for the investigation of the causes of fires, and the publication of statistics relating to the same.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. When property is destroyed by fire, it shall be the duty of the municipal officers in cities and towns to make investigation of the cause, circumstances and origin thereof, and especially to examine whether it was the result of carelessness or of design. The investigation shall be commenced within six days of the occurrence of the fire, not including the Lord's day, and it shall be the duty of the mayor in cities and of the chairman of the selectmen in towns to call such meeting of the municipal officers. And said municipal officers shall have the powers vested in trial justices to compel the attendance of witnesses to testify before them upon such inquest. Municipal officers shall investigate cause and origin of fires.

SECT. 2. They shall present to the city or town clerk, for record by him in a book provided by the insurance commissioner, a written statement of all the facts relating to the cause of such fire, the kind, value and ownership of property destroyed, and of such other particulars as may be called for in the form provided, and of any other facts which to them seem pertinent; and such record shall be made within two weeks of the occurrence of the fire. —power to compel attendance.

SECT. 3. The clerk shall make a transcript of such fire record upon a blank form provided by the insurance commissioner, for each six months preceding, and forward the same to the insurance commissioner within fifteen days from the first day of July and the first day of January in each year. He shall also transmit to the insurance commissioner within a reasonable time, upon his request, a copy of the record as to any particular fire, or any facts concerning it. Shall present to town clerk, statement of all the facts, for record.

Clerk shall forward copy to insurance commissioner.