

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

'Section 6. The board of examiners shall issue certificates to all persons qualified to receive them under the provisions of section four and to all persons passing the examination required under section five, authorizing the holder to practice veterinary surgery, medicine, or dentistry, or any branch thereof, within the state. Said certificate shall be recorded in the office of the clerk of the supreme judicial court in the county wherein the holder resides at the time of passing said examination. Said clerk shall be entitled to a fee of fifty cents for making such record and in the absence of the original certificate an attested copy of such record shall be received as evidence in all courts within the state of the right of the person therein named to practice veterinary surgery, medicine, or dentistry, or any branch thereof, within the state. Any veterinarian not a graduate desiring to render professional services for the State of Maine, in any of its departments, shall at the request of the Live Stock Sanitary Commissioner, submit himself to an examination before said board of examiners as to his fitness to perform the service.'

CHAP. 209

Board of examiners may issue certificates.

—certificates shall be recorded.

Section 6. Section nine of said chapter, as amended by section four of chapter eighty-nine of the public laws of one thousand nine hundred and seven, is hereby amended by striking off from the end of said section the words, "fine not exceeding twenty dollars," and by adding in place thereof the following: 'a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than thirty days,' so that said section, when amended, shall read as follows:

Section 9 of chapter 17, P. L. of 1907, further amended.

'Section 9. Any person who shall practice veterinary surgery, medicine, or dentistry, or any branch thereof, in the State of Maine without complying with the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than thirty days.'

Penalty for practicing in violation of this act.

Approved April 9, 1913.

Chapter 209.

An Act to Regulate the Business of Dealing in Securities.

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

DEFINITIONS.

Section 1. Under this act, the term "dealer" shall mean any individual, partnership, association or corporation engaging in the selling or offering for sale of securities, except to, or through the medium of, or as agent or salesman of, a registered dealer.

Term "dealer" defined.

CHAP. 209

But sales made by, or in behalf of, a vendor, in the ordinary course of bona fide personal investment, or change of investment, shall not constitute such vendor, or the agent of such vendor, if not otherwise engaged either permanently or temporarily in selling securities, a dealer in securities. Nor shall the offer of or sale of its own securities by an association or a corporation to its own members or stockholders constitute such association or corporation a dealer in securities.

Term "securities" defined.

The term "securities" shall include all stocks, bonds, debentures or certificates of participation, and all other forms of securities, except that it shall not be held to include commercial paper or other evidence of debt not running more than nine months, or securities legal for purchase by savings banks under the statutes of any New England state, or notes secured by mortgage of real estate in this state, or to the shares of loan and building associations organized under the laws of the state of Maine.

REQUIREMENT FOR REGISTRATION.

Dealers shall be registered.

Section 2. No dealers in securities shall in this state, by direct solicitation or through agents or salesmen, or by letter, circular or advertising, sell, offer for sale, or invite offers for or inquiries about, securities unless registered as a dealer under the provisions of this act. No salesman or agent shall in this state, in behalf of any dealer, sell, offer for sale, or invite offers for or inquiries about, securities unless registered as a salesman or agent of such dealer, under the provisions of this act.

—salesmen shall be registered.

REGISTRATION OF DEALER.

Application for registration.—fee.

Section 3. Any dealer desiring registration shall file written application therefor with the bank commissioner, accompanied by a registration fee of twenty-five dollars, the fee to be returned if the application is not granted. The application shall be in such form as may be prescribed by the commissioner, and shall state in writing the principal place of business, the name or style of doing business, and the address of the dealer, the names, residences and business addresses of all persons interested in the business as principals, officers, directors or managing agents, specifying as to each his capacity and title, and the length of time during which the dealer has been engaged in the business.

Non-resident dealers shall file power of attorney.

Every non-resident dealer shall file a power of attorney, irrevocable, properly authorized, and with satisfactory certificates or other evidence of the authorization, appointing the commissioner agent for the service of legal process upon the dealer

in any action in the courts of this state, based upon or arising in connection with any sale of, attempt to sell, or advertising of, securities in this state, or any violation of this act. CHAP. 209

Upon the filing of the application, the commissioner shall forthwith give notice of the fact and date of such application, and of the name, principal place of business and address of the dealer, by advertisement inserted once in the official state paper, and once in a newspaper of general circulation where the dealer's place of business is located, if it is elsewhere in this state than in the city of Augusta. The registration certificate shall not be issued before the expiration of two weeks from the completion of such publication. Any person may, within such two-weeks period file objection to the proposed registration.

Fact of application shall be published.

Objection to registration may be made.

Each application shall be accompanied by certificates or other evidence sufficient to reasonably establish the dealer's good repute. The commissioner may make such other and further investigation thereof as he deems desirable. Upon being satisfied of the dealer's good repute, the commissioner shall, in case no objection to the proposed registration be filed, register the dealer.

Good repute of dealers shall be established.

If the commissioner shall not be satisfied with the dealer's good repute, or if, within the two-weeks period succeeding the publication aforesaid, objection shall be made to the proposed registration, the commissioner shall give notice of either fact to the dealer, and upon request from the dealer shall fix a time and place for hearing, of which fourteen days' notice shall be given by mail to the dealer and to the objectors, and by publication in the official state paper; and at such hearing opportunity shall be given to said dealer, and to any other persons interested or objecting, to offer further evidence as to the dealer's repute. If satisfied, as a result of such hearing, of the dealer's good repute in business, the commissioner shall thereupon register the dealer.

Proceedings if com'r is not satisfied as to good repute of dealer, or if objection is made.

Upon registration of any dealer, a registration certificate shall be issued stating the name, principal place of business and address of the dealer, the names, residences and business addresses of all the persons interested in the business as principals, officers, directors or managing agents, and the fact that the dealer has been registered for the current calendar year as a dealer in securities. The certificate shall in other respects be in such form as the commissioner may determine, but shall state in bold type that the commissioner does not recommend, and assumes no responsibility for, securities offered by the dealer. Certified copies of this certificate shall be furnished to the dealer at fifty cents each. Changes in the certificate, necessitated by changes

Form of certificate.

—fee for certified copies of certificate.

—changes in certificate.

CHAP. 209 in the personnel of a partnership, or in the principals, officers, directors or managing agents of any dealer, may be made at any time upon written application to the commissioner, accompanied by statement of the facts necessitating the change. Upon the issue of the amended certificates, the original certificate and the certified copies thereof outstanding shall be promptly surrendered to the commissioner.

REGISTRATION OF AGENTS OR SALESMEN.

Registration fee of agents or salesmen.

---form of certificate.

Section 4. Upon written application by a registered dealer, accompanied by a registration fee of five dollars for each person, the commissioner shall register, as agents or salesmen of such dealer, such persons as the dealer may request. The application shall be in such form as the commissioner may prescribe, and shall state the residences and addresses of the persons whose registration is requested. The commissioner shall issue to each person so registered a registration certificate, stating his name, residence and address, the name, principal place of business and the address of the dealer, and the fact that he is registered for the current calendar year as agent or as salesman (as the case may be) of the dealer. The certificate shall in other respects be in such form as the commissioner shall determine, but shall state in bold type that the commissioner does not recommend, or assume any responsibility for, securities offered by the dealer, or the dealer's agents or salesmen. Upon application by the dealer, the registration of any agent or salesman shall be cancelled.

RENEWAL OF REGISTRATION.

Registrations shall expire at close of calendar year.

Section 5. All registrations shall expire at the close of the calendar year, but new registrations for the succeeding year shall be issued as of course, without the filing of further statements or furnishing any further information, unless specifically requested by the commissioner, upon written application of the dealer and payment of a registration fee of five dollars for each registration.

PUBLICATION.

List of dealers shall be published twice each year.

Section 6. The commissioner shall, at least twice during each year, publish in the official state paper a list of the then registered dealers, and of their registered agents or salesmen, and shall also at any time, on request by mail or otherwise, inform any inquirer as to whether or not any individual, partnership, corporation or association is registered either as dealer, agents or salesman.

PRODUCTION OF REGISTRATION CERTIFICATES. CHAP. 209

Section 7. Any dealer may, and any person named in a registration certificate as above provided may, in behalf of any dealer, sell, offer for sale or invite offers for or inquiries about securities in this state, but shall at all times when so engaged carry with him the registration certificate, or a copy thereof, certified by the commissioner, which shall at any time be shown to any prospective customer upon request. No dealer, agent or salesman shall advertise publicly the fact of his registration, or use such fact or the registration certificate, in connection with any sale or effort to sell securities, except by statement of the fact or by exhibiting the certificate or a certified copy thereof.

Certificate shall be shown to prospective purchasers.

COMMISSIONER'S AUTHORITY TO INVESTIGATE
OR TO REQUIRE INFORMATION.

Section 8. The commissioner may at any time require a dealer to file with him a list of the securities which he has offered for sale or advertised within the preceding six months, or which he is at the time offering for sale or advertising, or any portion thereof; and may require the filing of statements of assets or earnings, or any other facts he may deem pertinent in relation to any of the securities offered or to be offered by the dealer, or the associations or corporations issuing them; and may require the filing of copies of any or all printed or otherwise re-duplicated circulars or printed advertisements relating to securities which the dealer has within six months offered for sale or which the dealer shall thereafter offer for sale; and, thereupon, unless satisfied that all such offerings of the dealer have been and are to be made honestly and in good faith, and with disclosure of pertinent facts sufficient to enable intending purchasers to form a judgment of the nature and value of the securities, and without intent to deceive or defraud, may prohibit the dealer from selling or offering the securities, or any of them, or in any way advertising them.

Commissioner may require dealer to file list of securities.

—may require filing of circulars, etc.

REVOCATION OR SUSPENSION OF REGISTRATION.

Section 9. The commissioner may, unless furnished with satisfactory evidence as provided in the preceding section, or in case of violation of any provision of this act, or in case of dishonesty, deceitful or fraudulent conduct on the part of the dealer in connection with the carrying on of the business, revoke the dealer's registration, and may, having reasonable cause to believe that the dealer may have been guilty of violation of the provisions of this act, or of dishonest, deceitful or fraudulent

Dealer's registration may be suspended.

CHAP. 209 conduct in connection with the carrying on of the business, suspend the dealer's registration until satisfied to the contrary. In either case, the dealer shall not be regarded as registered under the provisions of this act, until restored to registration by the commissioner, either on his own initiative or upon order of court as hereinafter provided.

Revocation. The revocation or suspension of the dealer's registration shall constitute a revocation or suspension of the registration of any agent or salesman of the dealer.

The commissioner may, in case of violation of any provision of this act, or in case of dishonest, deceitful or fraudulent conduct, on the part of any agent or salesman in connection with the business, revoke the agent's or salesman's registration; and may, having reasonable cause to believe that the agent or salesman may have been guilty of violation of the provisions of this act, or dishonest, deceitful or fraudulent conduct in connection with the business, suspend the agent's or salesman's registration until satisfied to the contrary. In either case, the agent or salesman shall not be regarded as registered under the provisions of this act, until restored to registration by the commissioner, either on his own initiative or upon order of court as hereinafter provided.

In case of suspension or revocation of registration, all certificates shall at once be surrendered to the commissioner upon his request.

SERVICE OF NOTICE.

Notices of
com'r, how
sent.

Section 10. Notice of any requirement or decision of the commissioner shall be sufficient if sent by mail addressed to the dealer, agent or salesman, as the case may be, at the address designated in the application for registration.

APPEALS.

Appeals,
how taken.

Section 11. Appeals may be taken by any person aggrieved by any decision of the commissioner, to the supreme judicial court, by petition addressed to that court, stating the decision complained of. Upon such petition, citation shall be issued to the commissioner, who shall file an answer to the petitions, stating therein his reasons for the decision. The court may, in its discretion, after hearing the commissioner, or his representative,

suspend the order of the commissioner, pending the determination of the petition upon its merits, and may, after final hearing thereon, make such decree in connection with the matter complained of as justice may require. The court shall make provision for summary hearing and determination of such petitions so far as in its discretion seems desirable.

CHAP. 210

PENALTIES.

Section 12. Any dealer or any person violating any provision of this act, or knowingly filing with the commissioner or furnishing to him any false or misleading statements or information, shall be punishable upon conviction thereof by a fine of not more than one thousand dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. The foregoing penalties shall be in addition to, and not a substitute for, any civil or criminal liability now or hereafter existing.

Penalty for violation of this act.

Section 13. No registration shall be necessary, or become effective, under this act, before the first day of January, nineteen hundred fourteen.

Registration shall be made after January 1, 1914.

Section 14. All acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

Approved April 9, 1913.

Chapter 210.

An Act to Amend Sections Two, Nine and Twelve of Chapter One Hundred and Ninety-five of the Public Laws of Nineteen Hundred and Eleven in Relation to the Control of Contagious Diseases Among Cattle, Sheep and Swine.

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

Section 1. Section two of chapter one hundred ninety-five of the public laws of nineteen hundred eleven is hereby amended by inserting after the word "value" in the thirty-sixth line thereof, the following: 'provided, that no appraised value shall exceed one hundred dollars for any horse condemned; and,' so that said section as amended shall read as follows:

Section 2 of chapter 195, P. L. of 1911, amended.

'Section 2. That it shall be the duty of the live stock sanitary commissioner to cause investigation to be made as to the existence of tuberculosis, pleuro-pneumonia, foot and mouth disease, glanders, hog cholera and other infectious and contagious disease, among cattle, horses, sheep and swine; and such live stock sanitary commissioner or his duly constituted agent, is hereby authorized to enter any premises or places including stock-yards cars and vessels, within any county or part of the

Commissioner shall investigate as to existence of disease.