

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth Legislature

OF THE

STATE OF MAINE

From April 4, 1931, to March 31, 1933

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State in conjunction with the Revisor of Statutes in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, March 16, 1842, and an Act approved April 2, 1931.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

1933

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-sixth Legislature

1933

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plied with before such motor vehicle shall be operated on the highways or streets of such city, town or village.

Sec. 12. Penalty. Any person, firm or corporation violating any of the provisions of the preceding sections shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 11 months, or by both fine and imprisonment.

Sec. 13. Validity of act. If for any reason, any section, subsection, sentence, clause or phrase of the foregoing sections of this act shall be held unconstitutional, such decision shall not affect the validity of any other portion.

It is hereby declared to be the legislative intent that said sections would have been adopted had such void or ineffective article, section, subsection, sentence, clause or phrase not been included therein.

Approved March 31, 1933.

Chapter 260.

AN ACT Relating to Licenses for Retail Stores.

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

Sec. 1. Licenses for operation of stores; application; fees. No person, firm, partnership, association or corporation shall establish, own, operate, manage or maintain any store as hereinafter defined for the sale of goods, wares and merchandise at retail in this state without first having obtained a license for such purpose from the bureau of taxation.

The application for such license shall disclose the name of the applicant, the location of the business for which license is desired, the kind of business and such other information as may be required by said bureau. A separate application shall be filed for each such store established, owned, operated, managed and maintained by said applicant, unless the said bureau shall otherwise determine.

Each such application shall be accompanied by a filing fee of 50 cents and by the license fee specified in section 4 of this act.

Sec. 2. Examination; issuance, display of license. As soon as practicable after the receipt of any such application, the said bureau shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If an application is found to be satisfactory and if the filing and license fees, as herein prescribed, shall have been paid, the said bureau shall issue to the applicant a license for each store for which an application for license shall have

been made. Each licensee shall display the license so issued in a conspicuous place in the store for which such license is issued.

Sec. 3. Expiration, lapse of licenses; renewals. All licenses shall be issued to expire on the 30th day of June of each calendar year. On or before the 1st day of July of each year every person, firm, corporation, association or copartnership having a license shall apply to said bureau of taxation for a renewal of the license for the fiscal year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the said bureau. No license shall lapse prior to the 31st day of July next following the year for which the license was issued, and if by such 31st day of July an application for renewal license has not been made the said bureau shall notify such delinquent license holder by registered mail, and if application is not made for and renewal license issued on or before the last day of August next ensuing the former license shall become null and void. Each such application for renewal license shall be accompanied by a filing fee of 50 cents and by the license fee prescribed in section 4 of this act.

Sec. 4. Annual license fees. Every person, firm, partnership, association or corporation establishing, owning, operating, managing or maintaining 1 or more stores as in this act defined, within this state, under the same general management, supervision or ownership, shall pay the license fee or fees herein set forth annually, in addition to the filing fee required by section 1 of this act.

Such license fees shall be:

- (1) For 1 store, \$1.
- (2) Upon each store in excess of 1 store, but not exceeding 5 stores, \$5.
- (3) Upon each store in excess of 5 stores but not exceeding the number of 10 stores, \$10.
- (4) Upon each store in excess of 10 stores but not exceeding the number of 15 stores, \$15.
- (5) Upon each store in excess of 15 stores but not exceeding the number of 25 stores, \$25.
- (6) Upon each store in excess of 25 stores, \$50.

Sec. 5. Fees for licenses issued prior to or after January 1st. Each and every license issued prior to the 1st day of January of any year shall be charged for at the full rate, and each and every license issued on or after the 1st day of January of any year shall be charged for at $\frac{1}{2}$ of the full rate, as prescribed in section 4 of this act.

Sec. 6. Parties to whom act applies. The provisions of this act shall apply to every person, firm, partnership, association or corporation, either domestic or foreign, establishing, owning, operating, managing or main-

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taining any store as herein defined which is owned, controlled, directed or managed directly or indirectly by stock ownership or otherwise by 1 or more persons, associations, or methods of ultimate management.

Sec. 7. Definition of term "store". The term store as used in this act shall mean and include any store or stores, shop, mercantile establishment, office, warehouse, depot, business stand or station or other place where trade or business is carried on, where goods, wares and merchandise of any kind are sold at retail, but shall not be construed to apply to any place of business conducted principally for the sale and distribution of gasoline and petroleum products.

Sec. 8. Penalty. Any person, firm, partnership, association or corporation which shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100, and each and every day that such violation shall continue shall constitute a separate and distinct offense as to each and every store opened, established, operated or maintained by any person, firm, corporation, association or partnership.

Sec. 9. Expenses of administration. Any and all expenses incurred by the said bureau in the administration of this act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this act. All money collected under the provisions of this act, less the expenses incurred in the administration of this act, shall be paid into the state treasury, monthly, by the said bureau and shall be added to and shall constitute a part of the general fund.

Sec. 10. Clerical assistants; payment of expenses. The bureau of taxation is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this act, and to prepare and print such blanks, forms, reports, receipts, and any and all other things which may be necessary to provide for the administration of this act, and to pay any and all such expenses so incurred out of the fund collected under the provisions of this act. The sum of \$2000, or so much thereof as may be necessary, is hereby appropriated out of any money in the contingent fund of the state treasury not otherwise appropriated, to be available upon the taking effect of this act and to be used by the bureau of taxation in defraying the expenses which may be incurred in administering and preparing to administer this act before sufficient funds shall have been collected from license fees as hereinbefore provided. As soon as a sufficient amount of license fees shall have been collected under the provisions of this act the \$2000 hereby appropriated, or so much thereof as shall have been used, shall be returned to the contingent fund.

Sec. 11. Rules and regulations. The state tax assessor may make such

reasonable rules and regulations regarding the administration and enforcement of the provisions of this act as he may deem necessary or expedient.

Sec. 12. Validity. If any section, provision or clause of this act shall be declared invalid, such invalidity shall not be construed to affect the portions not so held invalid.

Sec. 13. Effective date of act. This act, except section 10, shall be in effect from and after the 1st day of July, 1933.

Approved March 31, 1933.

Chapter 261.

AN ACT to Define and Limit the Jurisdiction of Courts Sitting in Equity, and for Other Purposes.

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

Sec. 1. No injunctions in labor disputes shall issue without hearing. No court nor any judge or judges thereof shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, provided, however, that if a complainant shall also allege that unless a temporary restraining order shall be issued before such hearing may be had, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be granted upon the expiration of such reasonable notice of application therefor as the court may direct by order to show cause, but in no case less than 48 hours.

Such order to show cause shall be served upon such party or parties as are sought to be restrained and as shall be specified in said order, and then only upon testimony under oath, or in the discretion of the court upon affidavits, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing as herein provided for.

Such a temporary restraining order shall be effective for no longer than 5 days, and at the expiration of said 5 days shall become void and not subject to renewal or extension, provided however that if the hearing for a temporary injunction shall have been begun before the expiration of the said 5 days the restraining order may in the court's discretion be con-