

# MAINE STATE LEGISLATURE

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**ACTS AND RESOLVES**  
AS PASSED BY THE  
**Ninety-second and Ninety-third**  
**Legislatures**  
OF THE  
**STATE OF MAINE**

**From April 22, 1945 to May 14, 1947**  
**AND MISCELLANEOUS STATE PAPERS**  
**From May 25, 1945 to May 14, 1947**

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Published by the Revisor of Statutes in accordance  
with Chapter 10 of the Revised Statutes of 1944.

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KENNEBEC JOURNAL  
AUGUSTA, MAINE  
1947

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Ninety-third Legislature

**1947**

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PUBLIC, 1947

CHAP. 261

V. Reasonable compensation of executors and administrators and their statutory agents qualifying as such in the Maine probate court and reasonable fees for Maine attorneys;

VI. The amount at the date of the decedent's death of all unpaid mortgages upon real or tangible personal property situated within this state, which mortgages were not deducted in the appraisal of the property mortgaged;

VII. Unpaid taxes and special assessments upon real or tangible personal property situated within this state which were a lien at the date of the decedent's death;

VIII. The federal estate tax, if any, multiplied by a fraction, the numerator of which is the value of the real and tangible personal property in Maine, undiminished by mortgage or pledge, and the denominator the gross estate wherever situated;

IX. Debts of the decedent, and other deductions allowed resident estates, shall be allowed non-resident estates only when, and to the extent that, it is necessary to pay the amounts of such deductions from the proceeds of sale of real property or tangible personal property in Maine, or directly by the transfer of such property.'

Effective August 13, 1947

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## Chapter 261

### AN ACT Relating to Auctions and Auctioneers.

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

R. S., c. 88, §§ 82-A - 82-H, additional. Chapter 88 of the revised statutes is hereby amended by adding thereto 8 new sections to be numbered 82-A to 82-H, inclusive, to read as follows:

'Sec. 82-A. Non-resident auctioneers; deposit; fees. Every non-resident person, firm or corporation, licensed to conduct public auctions by any other state, desiring to do business in this state as an auctioneer, shall deposit with the secretary of state the sum of \$100 as a special deposit, and shall name the secretary of state, agent upon whom service may be made in any action at law or in equity which may be brought against said applicant, to the same effect and in the same manner as upon a resident defendant, and after compliance with the foregoing, upon application in proper form and the payment of a further sum of \$50 as a state license fee, the secretary of state shall issue to such applicant a license

to conduct auctions in any city, town, unincorporated township or plantation, in the state, in the same manner and to the same legal effect as a legal voter of a city or town, licensed as an auctioneer of such city or town, might do.

Such license shall be for a term of 1 year from the date of its issuance and may be renewed from year to year by the payment of a state license fee of \$10 for each renewal. Every license shall set forth a copy of the application upon which it is granted, including renewals thereof. Such license shall not be transferable nor give authority to more than 1 person, firm or corporation, to conduct an auction sale, but each licensee may have the assistance of one or more persons in conducting any auction sale, who may aid that principal, but shall not act for, or without, that principal.

If such licensee is a firm, or corporation, only 1 person of any firm, or 1 agent of any corporation, may conduct any auction sale, and all acts of any such person acting in behalf of such firm, or corporation, shall be the acts of the principal, so that in the event of suit against the principal for any acts of omission or commission, proof of such agency shall not be required as a requisite to the maintenance of such action.

Sec. 82-B. Application for state license. All applications for state licenses shall be sworn to, and shall disclose the name, age and residence, of the applicant, if an individual; if a firm, the names, ages and residences of each firm member, and the address at which such firm conducts its business; and if a corporation, its name, residence, state of incorporation and the name and residences of the officers and their official capacities; which shall be kept on file by the secretary of state, together with a record of all licenses issued upon such applications. All files and records, both of the secretary of state and of the several cities and towns, relative to the issuance of local licenses, as hereinafter provided, shall be in convenient form and open for public inspection.

Sec. 82-C. Application for local license; fee. Every non-resident auctioneer licensed by the state intending to conduct an auction sale in any city or town, shall offer his state license for examination by, and shall make an application for a local license with, the clerk of the city or town where such auctioneer shall desire to conduct an auction sale, before entering upon any such sale. Such application for a local license shall set forth the name and residence of the owner of the property, a general description of the property to be sold, the location of the same, and the time and place of sale, and if the licensee is a firm, or a corporation, it shall give the name and residence of the member of the firm, or the name and residence of the agent of the corporation, who is to conduct said sale. Thereupon, and upon the payment of a license fee of \$2 to the use of the city

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or town, the clerk of such city or town shall forthwith issue to such licensee a license to conduct any such sale.

If such auction sale is to be conducted in an unorganized township or in a plantation, the application to conduct such sale shall be directed to the secretary of state, and the same information required to be furnished to the clerk of a city or town, for a local license, shall be furnished the secretary of state, together with the same fee of \$2, who thereupon shall issue such license for such auction sale.

Sec. 82-D. Limitation on sale of property. Any auction sale conducted under the provisions of the preceding section shall not include any property brought in for such purpose from any other city or town within the state, or from without the state, whether or not owned by the same person for whom the auction is to be conducted.

Sec. 82-E. Applicability of other sections. All of the provisions of sections 73 to 82, both inclusive, except where inconsistent herewith, shall apply to the provisions of sections 82-A to 82-H, inclusive.

Sec. 82-F. Suit against and service on non-resident licensee; revocations. If suit is brought against any licensee by any resident of the state aggrieved by such licensee, service of any legal process may be made upon the secretary of state, as agent for such licensee, and the courts of the state shall have original jurisdiction over any action at law or in equity, as also the parties, to the same effect as if said licensee were a resident of the state. If suit is brought in a municipal court, or a trial justice court, such licensee shall be considered to be a resident of the county in which the plaintiff resides. Upon service of any process upon the secretary of state, he shall forthwith forward a certified copy thereof to such licensee, by registered mail, to the last known address of such licensee, which shall constitute service on such licensee; and the secretary of state shall deduct from the deposit on file with him the sum of \$10 to the use of the state. The licensee shall, within 30 days thereafter, deposit with the secretary of state, \$10, otherwise his license shall be revoked and the balance of said deposit shall be forfeited to the use of the state.

Any non-resident not licensed in accordance with the provisions of sections 82-A to 82-H, inclusive, or whose license has been revoked, conducting any sale in any city or town, unincorporated township or plantation; in the state, shall be subject to a fine of not less than \$50 nor more than \$300, and prosecution for such offense shall be maintained in the county where it occurred.

Sec. 82-G. Return of deposit; limitation of action. If any licensee shall desire to surrender his license, or shall desire not to renew the same,

he may so notify the secretary of state, who, at the end of 1 year from date thereof, shall return to such licensee his deposit of \$100, and the right to make service of any legal process upon the secretary of state, as hereinbefore provided, shall then terminate.

Sec. 82-H. Blooded animals may be sold without state license. The provisions of sections 82-A to 82-G, inclusive, shall not prohibit any person employed by the owner of blooded animals from selling the same as auctioneers at public auction whether licensed by the state or not.'

Effective August 13, 1947

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## Chapter 262

### AN ACT Relating to Trial Justices.

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

Sec. 1. R. S., c. 97, § 1, amended. Section 1 of chapter 97 of the revised statutes is hereby amended to read as follows:

'Sec. 1. Trial justices, appointment, tenure and salary. Trial justices shall be appointed and commissioned by the governor, with the advice and consent of the council, to act within the county for which they are appointed, and shall hold their offices for 7 years from the date of their commissions, and shall receive such salary as shall be determined by the county commissioners, which shall be paid from the county treasury in equal monthly installments.'

Sec. 2. R. S., c. 97, § 1-A, additional. Chapter 97 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 1-A, to read as follows:

'Sec. 1-A. Fines, costs and forfeitures. Trial justices shall receive no other compensation except their salaries established by the county commissioners. All fines, costs, fees and forfeitures, except as otherwise provided by law, shall be paid over to their respective counties.'

Sec. 3. Repeal and limitation. The act (chapter 84 of the public laws of 1947), heretofore passed by this legislature and approved by the governor on the 13th day of March, amending section 1 of chapter 97 of the revised statutes, is hereby repealed and shall not be printed as a part of the session laws of 1947.

Effective August 13, 1947