

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
One Hundred and Sixth Legislature

1973

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2. Prior to expiration of his initial license, the licensee shall qualify for and obtain issuance to or as to him of a permanent license as a general lines agent. If the licensee does not so qualify for and secure his permanent license within such year, upon expiration of the initial license, the licensee shall discontinue his activities as a general lines insurance agent and shall not thereafter be or act as a general lines agent in this State, unless he applies and qualifies, and takes and passes the required examination, for a permanent license as general lines agent.

Effective October 3, 1973

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## CHAPTER 249

### AN ACT Declaring Violations of Home Solicitations Sales Act to be Violations of Unfair Trade Practices Act.

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

R. S., T. 32, § 4670, additional. Title 32 of the Revised Statutes is amended by adding a new section 4670 to read as follows:

§ 4670. Violation as unfair trade practice

Any violation of this subchapter shall constitute a violation of Title 5, chapter 10, Unfair Trade Practices Act.

Effective October 3, 1973

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## CHAPTER 250

### AN ACT Revising the Itinerant Vendor Law.

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

Sec. 1. R. S., T. 32, § 4502, amended. Section 4502 of Title 32 of the Revised Statutes is amended to read as follows:

§ 4502. Exemptions

This chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery made by those who sell goods, wares and merchandise at retail from a car, wagon or other conveyance, steamer or vessel, nor to sales of agricultural or fishery products, nor to hawkers or peddlers on the streets or peddlers from vehicles.

Sec. 2. R. S., T. 32, § 4551, amended. The first and 2nd sentences of section 4551 of Title 32 of the Revised Statutes are repealed and the following enacted in place thereof:

Every itinerant vendor desiring to do business in one location in this State shall deposit with the Secretary of State as a special deposit for consumer protection the sum of \$1,000 and after such deposit and upon application in proper form and the payment of a further sum of \$250 as a state license fee, the Secretary of State shall issue an itinerant vendor's license to the applicant authorizing him to do business in the specified location in conformity with this chapter for the period of time requested, but in any case to be no longer than one calendar year. For each additional location the itinerant vendor applicant, in order to obtain an itinerant vendor's license to do business at such additional location or locations, shall deposit the sum of \$500 for consumer protection with the Secretary of State for each and every additional location and a license fee of \$50 for each and every additional location in which the applicant desires to do business. Every license shall set forth a copy of the application including the specific location or locations for doing business upon which the license is granted.

Sec. 3. R. S., T. 32, § 4552, amended. The first sentence of section 4552 of Title 32 of the Revised Statutes is amended to read as follows:

All applications for state licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interests said business is conducted, the specific location or locations of doing business and the business address or addresses, 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. Upon issuance of the license, the Secretary of State shall notify the municipal clerk of the community where the itinerant vendor has requested a license to do business and shall send a copy of the itinerant vendor application to the municipal clerk.

Sec. 4. R. S., T. 32, § 4555, amended. The 2nd sentence of section 4555 of Title 32 of the Revised Statutes is amended to read as follows:

He shall then hold the special deposit of each licensee mentioned in section 4551 for the period of ~~60~~ 90 days, and after satisfying any and all claims made upon the same under section 4556, shall return said deposit or such portion of the same, if any, as may remain in his hands, to the licensee depositing it.

Sec. 5. R. S., T. 32, § 4556, amended. The 5th sentence of section 4556 of Title 32 of the Revised Statutes is amended to read as follows:

All claims upon the deposit shall be satisfied after judgment, fine or penalty, in the order in which notice of the claim is received by the Secretary of State, until all such claims are satisfied or the deposit exhausted, but no notice filed after the expiration of the ~~60~~ 90 days' limit shall be valid.

Sec. 6. R. S., T. 32, § 4651, amended. Section 4651 of Title 32 of the Revised Statutes is amended to read as follows:

#### § 4651. Lack of license

Any itinerant vendor who sells or exposes for sale, at public or private sale, any goods, wares and merchandise without state and local licenses therefor, issued as provided, shall be punished for each offense by a fine of not more than \$200 or by imprisonment for not more than 90 days, or by both, each sale being considered a separate offense.