

MAINE STATE LEGISLATURE

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CHAPTER 5

AUCTIONEERS

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§ 251. Resident license

Every resident person in the State desiring to do business as an auctioneer in the State who is over 21 years of age, submits evidence of good moral character and satisfies the Secretary of State, or an agent designated by him, that he has knowledge of the laws of this State pertaining to auctions and sales, the ethics and practices of auctioneers and such other related subjects as the Secretary of State may select, upon application in form designated by the Secretary of State and by payment of \$15, shall receive a one-year license to conduct auctions. Said license shall be renewed annually upon payment of a fee of \$10. In addition, any municipality may require a local license to hold auctions therein of more than 3 days duration upon payment of a local license fee not to exceed \$10.

R.S.1954, c. 100, § 84; 1955, c. 378, § 1; 1961, c. 339, § 1.

§ 252. Nonresidents; deposit and fees

Every nonresident person desiring to do business as an auctioneer in this State must obtain an auctioneer's license. The Secretary of State may issue a license to any nonresident auctioneer duly licensed as an auctioneer in the state in which he resides without an examination; provided such other state permits an auctioneer's license to be issued to a licensed resident auctioneer of this State without examination, upon compliance with the following requirements:

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1. Proof. The applicant shall furnish proof to the Secretary of State that he is licensed to conduct auctions in the state in which he resides.

1961, c. 339, § 2; c. 417, § 179.

2. Bond. The applicant shall file with the Secretary of State an approved surety company bond conditioned upon satisfying any judgment for damages sustained by any person arising out of any auction to be conducted by him. The penal sum of such bond shall be at least \$2,000. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the penal sum of such bond. The surety on any such bond may cancel such bond upon giving 30 days' notice to the Secretary of State and thereafter shall be relieved of liability for any breach of conditions occurring after the effective date of said cancellation. This bond provision may be waived if the applicant deposits with the Secretary of State cash security in a like amount.

1961, c. 339, § 2; c. 417, § 179.

3. Fee. The applicant shall pay an initial license fee of \$50.

1961, c. 339, § 2; c. 417, § 179.

Such license shall be for a term of one 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 one 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 one person of any firm or one 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 a civil action 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.

R.S.1954, c. 100, § 85; 1961, c. 317, § 308; c. 339, § 2; c. 417, § 179.

§ 253. State license; application

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 provided, shall be in convenient form and open for public inspection.

R.S.1954, c. 100, § 86.

§ 254. Revocation or suspension; appeal

The Administrative Hearing Commissioner under Title 5, chapters 301 to 307, upon complaint, notice and hearing may revoke or suspend any license after proof that the licensee has been convicted of a crime involving moral turpitude; has failed, within a reasonable time, to account for or remit any moneys coming into his possession which belong to others, or committed any other act of a dishonest or fraudulent nature.

Any person who is aggrieved by any act of the Secretary of State or the Administrative Hearing Commissioner under this chapter shall have the right to appeal as set forth in Title 5, chapters 301 to 307.

1961, c. 339, § 3; c. 417, § 180; 1963, c. 412, § 23.

§ 255. Local license; application; fee

Every nonresident 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. There-

upon, and upon the payment of a license fee of \$5 to the use of the city or town, the clerk of such city or town may 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 \$5, who thereupon may issue such license for such auction sale. Any municipality requiring a local license of resident auctioneers under section 251 may require the same local license of nonresident auctioneers.

R.S.1954, c. 100, § 87; 1955, c. 378, § 2.

§ 256. Limitation on sale of property

Any auction sale conducted under section 255 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.

R.S.1954, c. 100, § 88.

§ 257. Action against nonresident licensee; revocation of license

If action is brought against any nonresident 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 civil action, and the parties, to the same effect as if said licensee were a resident of the State. If action is brought in the District 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.

R.S.1954, c. 100, § 89; 1961, c. 317, § 309; c. 339, § 4; 1963, c. 402, § 133.

§ 258. Return of bond or cash security; 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 one year from the date thereof, shall return to such licensee his surety company bond or cash security, and the right to make service of any legal process upon the Secretary of State, as provided, shall then terminate.

R.S.1954, c. 100, § 90; 1961, c. 339, § 5.

§ 259. Blooded animals may be sold without state license

This chapter 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.

R.S.1954, c. 100, § 91.

§ 260. Charitable and nonprofit organizations exempt

This chapter shall not apply to sales at auctions held by charitable, educational, religious or other nonprofit organizations.

R.S.1954, c. 100, § 92.

§ 261. Penalties

Whoever, without an auctioneer's license, represents himself to be a licensed auctioneer or conducts any auction sale in this State, shall be punished by a fine of not more than \$200.

1961, c. 339, § 6.