

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 978

H. P. 758

House of Representatives, February 25, 1969

On motion of Mrs. Boudreau of Portland referred to Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Boudreau.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Regulate Home Solicitation Sales.

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

R. S., T. 32, c. 69, sub-c. V, additional. Chapter 69 of Title 32 of the Revised Statutes is amended by adding a new subchapter V, to read as follows:

SUBCHAPTER V

HOME SOLICITATION SALES

§ 4661. Definitions

1. **Consumer.** "Consumer" means any person who purchases or contracts for the purchase of merchandise for any purpose except resale in the ordinary course of trade or business.

2. **Merchandise.** "Merchandise" includes any objects, wares, goods, commodities, intangibles or services.

3. **Person.** "Person" includes any individual, firm, co-partnership, association, society, club, corporation, estate, trust and any agents, employee, salesman, partner, officer, director, member, stockholder or trustees thereof.

4. **Sale.** "Sale" includes any sale, transfer, exchange or barter, offer for sale or attempt to sell any merchandise for cash or on credit.

§ 4662. Contents of contract

Where merchandise is sold or contracted to be sold, whether under a single contract or under multiple contracts, to a consumer as a result of or in connection with a salesman's direct contact with or call on the consumer at his residence without the consumer's soliciting the contract or call, the contract

or agreement shall be in writing, bear the signature of the seller and the consumer, contain the date of the transaction, the terms of the sale or offer, the name and mailing address of the seller and a statement of the consumer's right to avoid as provided in this subchapter. A completely executed copy of the contract or agreement shall be furnished by the seller to the consumer immediately after the consumer signs such contract or agreement.

§ 4663. Consumer's right of avoidance

Where merchandise is sold or contracted to be sold, whether under a single contract or under multiple contracts, to a consumer as a result of or in connection with a salesman's direct contact with or call on the consumer at his residence without the consumer's soliciting the contract or call, the consumer may avoid the contract or sale by giving notice of his intention not to be bound by the contract or sale and returning or making available for return any merchandise delivered, pursuant to the terms of this subchapter.

§ 4664. Notice

The consumer may avoid a contract or sale by giving written notice of avoidance to the seller by ordinary mail, postage prepaid, within 3 full business days following the day on which the contract or sale was made. The notice shall be sufficient if addressed to the seller at the address given on the contract or agreement. Notice of avoidance shall be effective upon deposit in the United States mail. The notice of avoidance given under this section need not take a particular form and is sufficient if it expresses the intention of the consumer not to be bound by the sale.

§ 4665. Consumer's obligation

Within 5 days of notification to the seller of the avoidance of a contract or sale, the consumer shall return to the seller or make available to the seller for return, in its original conditions, any merchandise delivered to him under the contract or sale.

§ 4666. Seller's obligation

If the seller is given written notice of avoidance by the consumer pursuant to this subchapter and any merchandise that has been delivered is returned or made available for return to him, the seller must return to the consumer within 15 days of the effective date of the notice of avoidance, the full amount of any payment or down payment made or consideration given under the contract or sale for the merchandise.

§ 4667. Penalties

It is unlawful for a seller to refuse to make a full refund as required by this subchapter or for a seller to use undue influence, coercion, intentional misrepresentation or any other willful act or representation to interfere with the consumer's exercise of his rights under this subchapter.

Any seller who violates any provision of this subchapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.