

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 414

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H.P. 268

House of Representatives, February 4, 2025

### An Act to Prohibit Deceptive Pricing

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Reference to the Committee on Housing and Economic Development suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative ROEDER of Bangor.

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

2 **Sec. 1. 5 MRSA §207-A** is enacted to read:

3 **§207-A. Deceptive pricing**

4 It is a violation of this chapter for a person to advertise, display or offer a price for  
5 goods or services that do not include all mandatory fees or charges other than the following:

6 **1. Taxes or fees.** Taxes or fees imposed by a government on the transaction; and

7 **2. Postage or carrier charges.** Postage or carrier charges that are reasonable and  
8 actually incurred to ship the physical goods to the consumer.

9 **Sec. 2. 5 MRSA §209**, as corrected by RR 2023, c. 2, Pt. B, §32, is amended to read:

10 **§209. Injunction; procedures**

11 Whenever the Attorney General has reason to believe that a person is using or is about  
12 to use any method, act or practice declared by section 207 or 207-A to be unlawful, and  
13 that proceedings would be in the public interest, the Attorney General may bring an action  
14 in the name of the State against the person to restrain by temporary or permanent injunction  
15 the use of the method, act or practice and the court may make such other orders or  
16 judgments as may be necessary to restore to any person who has suffered any ascertainable  
17 loss by reason of the use or employment of the unlawful method, act or practice, any  
18 moneys or property, real or personal, that may have been acquired by means of the method,  
19 act or practice. At least 10 days prior to commencement of an action under this section, the  
20 Attorney General shall notify the person of the intended action, and give the person an  
21 opportunity to confer with the Attorney General in person or by counsel or other  
22 representative as to the proposed action. Notice must be given to the person by mail,  
23 postage prepaid, sent to the person's usual place of business, or if the person has no usual  
24 place of business, to the person's last known address. The Attorney General may proceed  
25 without notice as required by this section upon a showing of facts by affidavit of immediate  
26 irreparable harm to the consumers of the State. The action may be brought in the Superior  
27 Court of the county in which the person resides or has the person's principal place of  
28 business, or may be brought in the Superior Court of Kennebec County. Those courts are  
29 authorized to issue temporary or permanent injunctions to restrain and prevent violations  
30 of this chapter. A district attorney or law enforcement officer, receiving notice of any  
31 alleged violation of this chapter, shall immediately forward written notice of the alleged  
32 violation with any other information that the attorney or officer may have to the office of  
33 the Attorney General. A person who violates the terms of an injunction issued under this  
34 section shall forfeit and pay to the State, to be applied in the carrying out of this chapter, a  
35 ~~civil penalty~~ fine of not more than \$10,000 for each violation. For the purposes of this  
36 section, the court issuing the injunction retains jurisdiction, and the cause must be  
37 continued, and in such cases the Attorney General acting in the name of the State may  
38 petition for recovery of the ~~civil penalty~~ fine. In any action under this section where a  
39 permanent injunction is issued, the court may order the person against whom the permanent  
40 injunction has been issued to pay to the State the costs of the investigation of that person  
41 by the Attorney General and the costs of the suit, and the funds must accrue to the General  
42 Fund.

1 In any action under this section where a permanent injunction is denied, the court may  
2 order the State to pay the costs of the defense of the prevailing party or parties and the costs  
3 of the suit upon a finding by the court that the action was frivolous.

4 In any action by the Attorney General brought against the defendant for violating the  
5 terms of an injunction issued under this section, the court may make such orders or  
6 judgments as may be necessary to restore to any persons who have suffered any  
7 ascertainable loss by reason of such conduct found to be in violation of an injunction, any  
8 money or property, real or personal, ~~which that~~ may have been acquired by means of such  
9 conduct. Each intentional violation of section 207 ~~or 207-A~~ in which the Attorney General  
10 establishes that the conduct giving rise to the violation is either unfair or deceptive is a  
11 violation for which a ~~civil penalty fine~~ of not more than \$10,000 ~~shall~~ must be adjudged.  
12 The Attorney General may seek to recover ~~civil penalties fines~~ for violations of section 207  
13 ~~which or 207-A~~ that are intentional and are unfair or deceptive. The Attorney General in  
14 seeking ~~civil penalties fines~~ has the burden of proving that the conduct was intentional and  
15 was unfair or deceptive notwithstanding any other statute ~~which that~~ declares a violation  
16 of that statute an unfair trade practice. These ~~penalties shall~~ fines must be applied in the  
17 carrying out of this chapter.

#### 18 SUMMARY

19 This bill prohibits any person from advertising, displaying or offering a price for a good  
20 or service that does not include all mandatory fees or charges other than taxes or fees  
21 imposed by a government on the transaction or postage or carrier charges that are  
22 reasonable and actually incurred to ship the good.