

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1597

H.P. 1055

House of Representatives, April 10, 2025

An Act to Prohibit the Use of Dynamic Pricing for Certain Consumer Goods

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

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MALON of Biddeford.
Cosponsored by Representatives: BUNKER of Farmington, CLUCHEY of Bowdoinham,
EATON of Deer Isle, FARRIN of Jefferson, TERRY of Gorham, WEBB of Durham.

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

2 **Sec. 1. 10 MRSA §1110-A** is enacted to read:

3 **§1110-A. Dynamic pricing prohibition**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Dynamic pricing" means the practice of causing a price for a good or a product to
7 fluctuate based upon demand, the weather, consumer data or other similar factors
8 including an artificial intelligence-enabled pricing adjustment. "Dynamic pricing" does
9 not include a price that deviates from a standard price for a reason other than demand,
10 the weather, consumer data or other similar factors including an artificial intelligence-
11 enabled pricing adjustment and also does not include:

12 (1) A discount;

13 (2) A special price set for a limited period of time, such as a lunch menu, early bird
14 or happy hour price; or

15 (3) A market price for a good or product that traditionally has been priced based
16 upon market conditions, such as seafood, except that a market price may only be
17 set once in a business day.

18 B. "Eating establishment" has the same meaning as in Title 22, section 2491, subsection
19 7.

20 C. "Grocery store" has the same meaning as in Title 22, section 2491, subsection 7-B.

21 **2. Prohibition on dynamic pricing.** An eating establishment or grocery store may not
22 use dynamic pricing in setting the price for a good or product sold by the eating
23 establishment or grocery store. The price for a good or product must remain fixed for at
24 least one business day and must be posted or displayed in a manner visible to the public,
25 such as on a menu, menu board, price tag or label.

26 **3. Unfair trade practice.** A violation of this section is an unfair trade practice under
27 the Maine Unfair Trade Practices Act.

28 **SUMMARY**

29 This bill prohibits an eating establishment or grocery store from setting prices using
30 dynamic pricing, which is the practice of causing a price for a good or a product to fluctuate
31 based upon demand, the weather, consumer data or other similar factors including an
32 artificial intelligence-enabled pricing adjustment. It provides that a violation of this
33 provision is an unfair trade practice under the Maine Unfair Trade Practices Act. Dynamic
34 pricing does not include discounts, specials or market pricing for goods or products
35 traditionally set by market conditions, such as seafood.