

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1907

S.P. 748

In Senate, May 6, 2025

An Act to Protect Consumers from Unfair Dynamic Pricing in Grocery Stores

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by President DAUGHTRY of Cumberland.
Cosponsored by Senators: CURRY of Waldo, NANGLE of Cumberland, RENY of Lincoln,
TIPPING of Penobscot, Representatives: ARFORD of Brunswick, WEBB of Durham.

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

Sec. 1. 10 MRSA §1202, sub-§4-A is enacted to read:

4-A. Dynamic pricing. "Dynamic pricing" means a digital process that uses a software program to determine or change the price of a good or service displayed on an electronic shelf label in a grocery store.

Sec. 2. 10 MRSA §1202, sub-§4-B is enacted to read:

4-B. Electronic shelf label. "Electronic shelf label" means a digital label or price tag that displays the price of a good or service offered by a grocery store.

Sec. 3. 10 MRSA §1202, sub-§4-C is enacted to read:

4-C. Grocery store. "Grocery store" means a store that is part of a chain with 15 or more locations nationally doing business under the same name or as part of a corporation that is primarily engaged in the retail sale of canned food, dry goods, frozen food, dairy products, fresh fruits and vegetables and fresh meats, fish and poultry. "Grocery store" includes a convenience store, but does not include a separately owned eating establishment located within a grocery store.

Sec. 4. 10 MRSA §1204-B is enacted to read:

§1204-B. Certain dynamic pricing prohibited; notice

1. Prohibition. A grocery store may not engage in dynamic pricing more than once in a 48-hour period during a severe weather event, a natural disaster, a supply chain disruption or another event that can cause a sudden increased demand for goods or services.

2. Allowable use; notice. Except as prohibited pursuant to subsection 1, a grocery store may use dynamic pricing if it provides notice to its customers using conspicuous signage indicating:

A. That dynamic pricing is being used in the grocery store and how it works;

B. What factors are used by the grocery store to change the price of a good or service;
and

C. That it is an unfair or deceptive trade practice to use dynamic pricing more than once in a 48-hour period during a severe weather event, a natural disaster, a supply chain disruption or another event that can cause a sudden increased demand for goods or services.

3. Violation is unfair trade practice. A grocery store engaging in dynamic pricing in violation of this section commits an unfair trade practice under Title 5, chapter 10.

SUMMARY

This bill amends the Unfair Sales Act to prohibit the use of dynamic pricing by grocery stores to electronically change the price of a good or service offered by that grocery store more than once in a 48-hour period during a severe weather event, a natural disaster, a supply chain disruption or another event that can cause a sudden increased demand for goods or services. Dynamic pricing may be used at other times as long as notice of its use is provided to the customers of the grocery store using conspicuous signage describing how and when the grocery store uses dynamic pricing.

1 A violation of the bill's provisions is considered an unfair trade practice, subject to the
2 penalties imposed for a violation of the Maine Unfair Trade Practices Act.