

# 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 EIGHTH LEGISLATURE

---

---

**Legislative Document**

**No. 325**

H. P. 256

House of Representatives, February 9, 1977

Referred to Committee on Business Legislation. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Miss Brown of Bethel.

Cosponsor: Mrs. Kane of Augusta.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

---

**AN ACT Concerning Solicitation Sales of Consumer Merchandise.**

---

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

32 MRSA §§ 4662 and 4663, as enacted by PL 1969, c. 395, are repealed and the following enacted in their places:

§ 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 accomplished by means of and including, but not limited to, a personal visit, a telephone call or by mail upon the consumer, other than at the seller's place of business, without the consumer soliciting the initial contact, the contract 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 the agreement or contract.

§ 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 accomplished by means of and including, but not limited to, a personal visit, a telephone call or by mail, upon the consumer other than at the seller's place of business, without the con-

**sumer soliciting the initial contact 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.**

#### STATEMENT OF FACT

The purpose of this bill is to close a loophole in the current law concerning solicitation sales to consumers. Sales pitches are often made to consumers over the telephone or by mail which result in the purchase of unneeded or unwanted items at high prices. Businesses which use these hard-sell marketing techniques have switched to using the telephone or mail, or to soliciting consumers at a place away from their homes in order to side-step the protection and intent of the current Maine law. This amendment will effectively carry out the original intent of the current law and, as to the place of the solicitation, make the state law consistent with the federal law on the same subject.