

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 409, L.D. 1257)
2 (New Title)

3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 1522

8
9 S.P. 508

In Senate, April 26, 1983

10 Reported by Senator Charette of Androscoggin from the Committee on
11 Legal Affairs and printed under Joint Rule 2.

12 Original bill presented by Senator Dutremble of York.

JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE
18

19 AN ACT Concerning Transient Sellers who
20 Offer Merchandise as Free of Charge.
21

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

24 32 MRSA §4681, sub-§7, as enacted by PL 1977, c.
25 440, §2, is amended to read:

26 7. Transient seller of consumer merchandise.
27 "Transient seller of consumer merchandise" means any
28 person who engages in the business of selling mer-
29 chandise to consumers by means of personal contact or
30 telephone contact, whether or not the seller is
31 present in the State at the time of the contact or
32 the time of sale, and who does not have, for the pur-
33 poses of carrying on such business, any permanent
34 place of business within this State. "Transient

1 sellers of consumer merchandise" does not include
2 persons who sell at public fairs, expositions or
3 bazaars or members selling on behalf of public ser-
4 vice organizations ~~or who sell exclusively by mail~~
5 ~~contact.~~ "Transient sellers of consumer merchandise"
6 does not include persons who sell exclusively by mail
7 contact, except for persons who offer merchandise or
8 money prizes as free of charge, such as contest
9 prizes or gifts for answering a survey, but who re-
10 quire the recipient to pay something of value in
11 order to participate in this offer, including, but
12 not limited to, entrance fees, processing fees or
13 handling charges.

14

STATEMENT OF FACT

15 The new draft also seeks to protect state resi-
16 dents from out-of-state persons who offer merchandise
17 or money prizes as free of charge but require the
18 recipient to pay something of value to participate.
19 The original bill placed the provision in Title 17
20 under the games of chance laws, while the new draft
21 adds a provision to Title 32, chapter 69-A, under the
22 transient sales laws. Under Title 32, transient
23 sellers must register and obtain a license from the
24 Department of Business Regulation.

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