

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1150

6
7 H.P. 804

House of Representatives, March 27, 1985

8 On Motion of Representative Murray of Bangor, referred to the
9 Committee on Business and Commerce. Sent up for concurrence and ordered
10 printed. Ordered sent forthwith.

EDWIN H. PERT, Clerk

11 Presented by Representative Beaulieu of Portland.
Cosponsored by Senator Dutremble of York.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT **Regulating the Return of Consumer**
18 **Goods.**
19

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

22 10 MRSA c. 222 is enacted to read:

23 CHAPTER 222

24 RETURN OF CONSUMER GOODS

25 §1496. Definitions

26 As used in this chapter, unless the context oth-
27 erwise indicates, the following terms have the fol-
28 lowing meanings.

29 1. Consumer. "Consumer" means a person who pur-
30 chases consumer goods or receives them as a gift.

1 2. Consumer goods. "Consumer goods" means new
2 or used goods which are bought primarily for person-
3 al, family or household purposes, except that the
4 following are not included:

5 A. Any goods which cannot be returned to the re-
6 tail outlet for resale because of valid health
7 concerns;

8 B. Any goods intended for human consumption;

9 C. Any goods that are so inextricably bound with
10 services provided by the retail outlet that they
11 cannot reasonably be accepted for return, includ-
12 ing "custom-made" goods specially made or altered
13 for a particular person or situation;

14 D. Any goods that are intended to be installed
15 in a building as fixtures;

16 E. Any prescription or nonprescription drugs;

17 F. Any cosmetics, personal care or hygiene aids;

18 G. Any jewelry; or

19 H. Any seasonal or discontinued goods sold at a
20 discount for clearance purposes and prominently
21 displayed as not returnable at the time of sale.

22 3. Retail outlet. "Retail outlet" means any
23 person, partnership, corporation or organization that
24 is in the business of selling consumer goods to con-
25 sumers from a fixed location in the State.

26 §1497. Application

27 This chapter applies to all sales of consumer
28 goods with a purchase price of less than \$250, before
29 taxes, to consumers. The rights granted to consumers
30 under this chapter are additional to:

31 1. Other rights under law. Any other rights
32 granted to them under law; and

33 2. Rights agreed to by the parties. Any other
34 rights which are not inconsistent with this chapter

1 and are agreed to by both the consumer and the retail
2 outlet.

3 §1498. Return of merchandise

4 No retail outlet may refuse to accept the return
5 of consumer goods by a consumer if:

6 1. Returned. The goods are returned to the re-
7 tail outlet during normal business hours;

8 2. Condition. The goods are in the same condi-
9 tion as when purchased and are suitable for resale by
10 the retail outlet;

11 3. Packing. The goods are packed in substan-
12 tially the same condition as when sold but need not
13 be packed so as to be immediately suitable for resale
14 by the retail outlet; and

15 4. Proof of purchase. The consumer produces a
16 sales receipt or other sufficient documentation that
17 the goods were purchased from that retail outlet.
18 This documentation may consist of attached price tags
19 or markers with the name or other identifiable mark
20 of the retail outlet on them.

21 §1499. Refund to consumer

22 1. Amount of refund. The amount of the refund
23 to the consumer who returns consumer goods in accord-
24 ance with section 1498 is governed by the following
25 provisions.

26 A. If the consumer goods are returned with a
27 sales receipt or the retail outlet has a credit
28 record of the purchase, the amount of the consum-
29 er's refund is the purchase price paid for the
30 goods, plus any applicable taxes, as shown by the
31 receipt or credit record.

32 B. If the consumer goods are returned with proof
33 of purchase other than a sales receipt and the
34 retail outlet has no credit record for the pur-
35 chase, the amount of the consumer's refund is the
36 present retail price for the goods at that retail
37 outlet, plus any applicable taxes, unless the re-

1 tail outlet has sold the goods being returned at
2 a lower retail price within the previous 30 days,
3 then it may refund the lower price, plus taxes,
4 to the consumer.

5 2. Manner of refund. The manner in which the
6 retail outlet refunds the amount due to the consumer
7 under subsection 1, is governed by the following pro-
8 visions.

9 A. If the goods were paid for by cash or check,
10 the consumer must be refunded the amount due to
11 him under subsection 1, in cash, if he desires.

12 (1) A retail outlet may delay the cash re-
13 fund for goods paid for by check until the
14 purchaser's check is cleared by his bank.

15 (2) A credit slip for use at that retail
16 outlet may be provided to the consumer only
17 if he agrees to accept it instead of cash.

18 B. If the goods were paid for under a consumer
19 credit arrangement, the purchaser's account must
20 be credited in the amount due to him under sub-
21 section 1.

22 §1500. Notice to consumers

23 1. Posted notice. All retail outlets in this
24 State shall prominently display a summary of the pro-
25 visions of this chapter in its offices and within
26 view of its cash registers or checkout points.

27 2. Oral notice. All retail outlets in this
28 State shall tell a consumer who wants to return con-
29 sumer goods that he may receive cash in return when-
30 ever he is so entitled under this chapter, and that
31 he may receive a credit slip in return only if he
32 agrees to accept it.

33 §1500-A. Violation

34 A violation of this chapter is a violation of Ti-
35 tle 5, chapter 10, Unfair Trade Practices Act, and
36 may be prosecuted under those provisions.

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STATEMENT OF FACT

2 This bill is intended to create a uniform proce-
3 dure regulating the return of certain consumer goods
4 sold for less than \$250. Several exceptions to the
5 bill are made for consumer goods which cannot be ac-
6 cepted for resale by a retail outlet for various rea-
7 sons. The bill establishes minimum conditions that
8 a consumer must meet in order to return goods and it
9 requires any retailer to issue a refund to the con-
10 sumer who meets these conditions. It further pro-
11 vides that any consumer who paid for the goods in
12 cash can get cash in return for them if he wants it.
13 A retailer could provide a credit slip for use at
14 that retail outlet only if the consumer agrees to ac-
15 cept it. If the consumer or retail outlet can prove
16 what the cost of the returned item was, the consumer
17 is entitled to receive that amount in cash or credit.
18 If the cost cannot be proven, the consumer will re-
19 ceive the present retail price for that item unless
20 the retail outlet has sold it for less within the
21 previous 30 days. In that case, the consumer re-
22 ceives only the lower price as his refund.

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