

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1388

6
7 S.P. 514

In Senate, April 25, 1985

8 Reference to the Committee on Business and Commerce suggested and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Bustin of Kennebec.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning Retail Pricing Methods.
18

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

21 10 MRSA c. 212 is enacted to read:

22 CHAPTER 212

23 UNIT PRICING OF CONSUMER COMMODITIES

24 §1371. Definitions

25 As used in this chapter, unless the context indi-
26 icates otherwise, the following terms have the follow-
27 ing meanings.

28 1. Consumer commodity. "Consumer commodity"
29 means any article, product or commodity of any kind
30 or class, which is produced for sale to retail agen-
31 cies or instrumentalities for resale. "Consumer com-
32 modity" does not include the shelf, carton or crate

1 in which the commodities were received at the retail
2 establishment.

3 2. Sale at retail. "Sale at retail" means the
4 transfer of an interest in a consumer item by a per-
5 son regularly and principally engaged in the business
6 of selling consumer commodities to a buyer for use or
7 consumption and not for resale.

8 3. Sale price. "Sale price" means:

9 A. A price other than the full retail price;

10 B. A price which is advertised as being a re-
11 duced price or less than the full retail price;
12 or

13 C. A price which is advertised as a special
14 price for a limited period of time.

15 4. Total price. "Total price" means the full
16 purchase price of the consumer commodity without re-
17 gard to units of weight, measure or count, excluding
18 sales tax and deposit.

19 §1372. Item price marking

20 The total price of consumer commodities offered
21 for sale at retail at a sale price shall be clearly,
22 conspicuously and plainly displayed in Arabic numer-
23 als, so as to be readable and understandable by visu-
24 al inspection and shall be stamped upon or affixed
25 directly upon each individual consumer commodity. If
26 a consumer commodity offered for sale at a sale price
27 is canned, bottled, boxed or bagged, but is sold in
28 quantities of more than one in the containers in
29 which the product came from the manufacturer or dis-
30 tributor, the price may be marked on the outer con-
31 tainers rather than on each individual item.

32 §1373. Exceptions

33 The provisions of this chapter do not apply to
34 the following:

35 1. Federal pricing law. Consumer commodities
36 subject to the packaging or labeling requirements of

1 the Federal Alcohol Administration or to any pricing
2 requirements by federal law;

3 2. Vending machines. An item of goods offered
4 for sale through a vending machine;

5 3. Prescriptions. An item of goods sold only by
6 prescription;

7 4. Prepared foods for immediate consumption.
8 Prepared foods intended for immediate consumption,
9 such as fast food restaurants and like establish-
10 ments;

11 5. Mail purchases. A consumer item purchased by
12 mail through a catalog order or which is not other-
13 wise visible for inspection by the consumer at the
14 time of the sale, and which is ordered or requested
15 by the consumer, if the price of the item is on the
16 consumer's written order or request or on a bill, in-
17 voice or other notice which describes or names the
18 item and which is enclosed with the item;

19 6. Live animals. Live animals;

20 7. Greeting cards. Greeting cards sold individ-
21 ually which have a readable coded price on the back
22 of the card;

23 8. Magazines. Magazines sold with a sale price
24 visually printed on the cover at the time of print-
25 ing; and

26 9. Gifts. Merchandise ordered as a gift by a
27 consumer which is sent by mail or other delivery ser-
28 vice to a person other than the consumer by the re-
29 tailer at the request of the consumer.

30 §1374. Evidence of violation

31 1. Prima facie evidence of violation. It is
32 prima facie evidence, of a violation of section 1372,
33 if a price charged or attempted to be charged exceeds
34 or is less than the price required to be indicated
35 pursuant to section 1372.

1 2. Each violation a separate offense. Each vio-
2 lation with respect to a particular consumer commodi-
3 ty on any single day is a separate violation.

4 §1375. Forfeitures

5 Any person who violates this chapter commits a
6 civil violation for which a forfeiture of not more
7 than \$100 for the first violation and not more than
8 \$500 for each subsequent violation may be adjudged.
9 Each violation with respect to a particular consumer
10 commodity on any single day is a separate violation.

11 STATEMENT OF FACT

12 The purpose of this bill is to require that each
13 individual consumer item sold must carry a notation
14 of the price of that individual item. This will en-
15 able the consumer to tell the price of the item.

16 2120020285