

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 953

S.P. 325

In Senate, March 27, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BRANNIGAN of Cumberland.

Cosponsored by Representative COTE of Auburn,
Representative GURNEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Provide Increased Penalties for
Door-to-door Fraud.

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

Sec. 1. 32 MRSA §4661, sub-§2-A is enacted to read:

2-A. Permanent place of business. "Permanent place of business" means the building or other permanently affixed structure, including a home residence, which is used in whole or in part for the purpose of engaging in sales of consumer merchandise.

Sec. 2. 32 MRSA §4662, as amended by PL 1981, c. 187, §3, is further amended to read:

1 §4662. Contents of contract

2 Where merchandise is sold or contracted to be
3 sold, whether under a single contract or under multi-
4 ple contracts, to a consumer as a result of or in
5 connection with a salesman's direct contact accom-
6 plished by means of and including, but not limited
7 to, a personal visit or a telephone call upon the
8 consumer, other than at the seller's place of busi-
9 ness, without the consumer soliciting the initial
10 contact, the contract shall be in writing, bear the
11 signature of the seller and the consumer, contain the
12 date of the transaction, the terms of the sale or of-
13 fer, the name and the mailing address of the seller
14 seller's permanent place of business, a statement of
15 the consumer's right to avoid as provided in this
16 subchapter and a statement of the limitation con-
17 tained in section 4664-A. A completely executed copy
18 of the contract or agreement shall be furnished by
19 the seller to the consumer immediately after the con-
20 sumer signs the agreement or contract.

21 **Sec. 3. 32 MRSA §4667**, last ¶, as enacted by PL
22 1969, c. 395, is repealed and the following enacted
23 in its place:

24 A violation of any provision of this subchapter
25 shall be a Class D crime.

26 STATEMENT OF FACT

27 The consumer solicitation sales laws require
28 door-to-door sellers to use a written contract and to
29 wait 3 days before starting any repair work, such as
30 driveway paving or home siding. The purposes of this
31 bill are to insure that the written contract contains
32 the address of the seller's permanent place of busi-
33 ness and to make any violation of these laws a Class
34 D. Currently, a violation is a Class E crime.

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