

# 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)

(New Draft of H.P. 156, L.D. 197)  
(New Title)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1608

H.P. 1179 House of Representatives, May 18, 1987  
Reported by Representative GURNEY from the Committee on  
Business Legislation and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative ALIBERTI of  
Lewiston. Cosponsored by Senator BERUBE of Androscoggin and  
Representative ALLEN of Washington.

STATE OF MAINE

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

AN ACT Relating to the Availability of  
Rebate Forms for Manufacturers'  
Rebates.

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

10 MRSA c. 206-A is enacted to read:

CHAPTER 206-A

MANUFACTURERS' REBATES

§1231. Definitions

1        As used in this chapter, unless the context oth-  
2 erwise indicates, the following terms have the fol-  
3 lowing meanings.

4        1. Consumer. "Consumer" means a natural person  
5 who purchases or contracts to purchase consumer  
6 goods.

7        2. Consumer goods. "Consumer goods" means any  
8 objects, wares, commodities or services offered for  
9 sale and intended to be used by consumers for person-  
10 al, family or household purposes.

11       3. Manufacturer rebate. "Manufacturer rebate"  
12 means any offer or promise that a manufacturer or  
13 distributor will refund to a consumer all or a por-  
14 tion of the price paid by the consumer for the pur-  
15 chase of consumer goods.

16       §1232. Availability of rebate forms

17       Any persons, firm, partnership, corporation or  
18 association which causes to be advertised by means of  
19 a newspaper advertisement, circular, television or  
20 radio announcement, in-store promotion or otherwise,  
21 the availability of a manufacturer's rebate form  
22 shall have available to the consumer at the time of  
23 advertising and promotion and make available to the  
24 purchaser at the time of sale the appropriate manu-  
25 facturer's rebate form. This form, or a notice as to  
26 its location, shall be located with the merchandise  
27 to which it pertains. Forms which have expired shall  
28 be removed from consumer availability in a timely  
29 fashion.

30       §1233. Violations

31       1. Private remedy. If the court finds in any  
32 action commenced under this chapter that the manufac-  
33 turer or distributor or its agents violated section  
34 1232, it shall award to the petitioner an amount not  
35 less than \$100.

36       2. Unfair trade practice. A violation of this  
37 chapter constitutes a violation of Title 5, chapter  
38 10.

1

STATEMENT OF FACT

2           The original bill required that manufacturers'  
3 rebates be redeemable at the retail level. Testimo-  
4 ny indicates that this might well result in the un-  
5 availability of rebates to the State consumers. Tes-  
6 timony also indicates that any law that required the  
7 manufacturer to conduct the rebate promotion in the  
8 State in a significantly different fashion than in  
9 other states might well have the same result.

10           This amendment deals with one of the leading com-  
11 plaints about rebates that can be dealt with on the  
12 retailer level. It requires that rebate forms always  
13 be available for an advertised rebate, that they be  
14 at the point of display of the rebated item, and that  
15 expired rebate forms be removed in a timely fashion.

16

2592050587