

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1501, L.D. 2113, Bill, "An Act to Clarify and Improve the Regulation of Home Food Service Plans"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 9-A MRSA §3-502, sub-§§1-A and 6 are enacted to read:

1-A. In addition to any other right to avoid a contract or sale, the first-time buyer of a home solicitation sale of a home food service plan has the right prior to delivery of the food or nonfood items to cancel the sale until midnight of the 10th day after the date on which the buyer signs an agreement or offer to purchase that complies with this Part.

6. If the agreement or offer to purchase requires the seller to deliver a home food service plan, the seller shall allow the first-time buyer of a home food service plan to cancel the plan, without charge, at the time of delivery of the food or nonfood items.

Sec. 2. 9-A MRSA §3-503-A, as enacted by PL 1991, c. 239, §1, is repealed.

Sec. 3. 32 MRSA §4662-A, as enacted by PL 1991, c. 239, §2, is repealed.

Sec. 4. 32 MRSA §4664, is amended by adding at the end a new paragraph to read:

In addition to any other right to avoid a contract or sale, the first-time buyer of a home food service plan has the right prior to delivery of the food or nonfood items to avoid

2 the contract or sale until midnight of the 10th day after the
3 date on which the buyer signs a contract subject to this
4 subchapter. If the contract requires the seller to deliver a
5 home food service plan, the seller shall allow the first-time
6 buyer of a home food service plan to avoid the contract or sale
7 subject to this subchapter, without charge, at the time of
8 delivery of the food or nonfood items.

9
10 **Sec. 5. 32 MRSA §4681, sub-§3, as amended by PL 1991, c. 239,**
11 **§3, is further amended to read:**

12 **3. Merchandise.** "Merchandise" includes any objects, wares,
13 goods, promises, commodities, intangibles, services or other
14 things of value but does not include food, ~~except feed~~ sold by
15 ~~directly contacting the consumer in the consumer's residence~~ or
16 technical or vocational schools located outside of the State that
17 are registered pursuant to Title 20-A, section 9501.'

18
19
20 **STATEMENT OF FACT**

21
22 This amendment repeals the requirement that door-to-door
23 sellers of frozen foods and sellers of home food service plans be
24 required to disclose to their customers the full unit price of
25 the food being sold and replaces it with consumer protections
26 that allow the consumer to cancel the contract within 10 days of
27 signing the contract and also allows the consumer to cancel, at
28 no charge, the initial food order when it is delivered to the
29 home.

30
Reported by the Committee on Business Legislation
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