

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1092

S.P. 324

In Senate, February 22, 2001

An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SHOREY of Washington.
Cosponsored by Representative RICHARDSON of Brunswick and
Senators: McALEVEY of York, SMALL of Sagadahoc, TURNER of Cumberland,
Representatives: BUNKER of Kossuth Township, MORRISON of Baileyville.

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

4 **Sec. 1. 10 MRSA c. 205-A** is enacted to read:

6 **CHAPTER 205-A**

8 **REQUIRED DISCLOSURES TO CONSUMERS**

10 **§1210. Charges after trial period**

12 A merchant may not charge a consumer for a good or service
14 after a trial period unless, prior to the charge, the consumer
16 expressly agrees to be charged for the good or service if the
18 consumer does not cancel the sale. At least 15 days prior to any
20 charge, the merchant shall provide a consumer with a clearly
22 written description of the agreement, the service or product
24 being purchased, the amount being charged and the date the
26 consumer will be charged for the good or service if the consumer
28 does not cancel the sale. This notice also must provide the
30 specific steps by which the consumer can cancel the agreement by
32 both mail and telephone. The merchant has the burden of proving
34 that the consumer expressly agreed to this arrangement and that
36 the required written notices were provided.

38 **§1210-A. Violation**

A person who violates this chapter commits an unfair and
deceptive act and a violation of Title 5, section 207.

SUMMARY

32 This bill prohibits so-called "negative option sales" to
34 prohibit a merchant from charging a consumer for a good or
36 service after a trial period unless the consumer expressly agrees
38 to be charged for the good or service if the consumer does not
affirmatively cancel the sale. A violation is an unfair and
deceptive act.