

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1972

H.P. 1471

House of Representatives, December 20, 2001

An Act Regarding Trial Offers.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Business and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative RICHARDSON of Brunswick.
Cosponsored by Senator SAWYER of Penobscot and
Representatives: BRYANT of Dixfield, DORR of Camden, McDONOUGH of Portland.

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

4 **Sec. 1. 10 MRSA §1210**, as amended by PL 2001, c. 471, Pt. E,
§1, is further amended to read:

6 **§1210. Charges after trial period**

8 In a sale agreed to by telephone, a merchant may not charge
a consumer for a good or service after a trial period unless,
10 prior to the charge, the consumer expressly agreed to be charged
for the good or service if the consumer does not cancel the
12 sale. At least 15 days prior to any charge, the merchant shall
send a consumer a clearly written description of the agreement,
14 the good or service being purchased, the amount being charged and
the calendar date the consumer will be charged for the good or
16 service if the consumer does not cancel the sale. This notice
also must provide the specific steps by which the consumer can
18 cancel the agreement by both mail and telephone or alternatively
by a toll-free telephone number. The merchant has the burden of
20 proving that the consumer expressly agreed to this arrangement
and that the required written notices were provided within the
22 time limits set forth in this section.

24 **SUMMARY**

26 This bill allows merchants to provide consumers who have
28 already agreed over the telephone to be charged for a good or
service after a trial period with a written notice detailing the
30 specific steps for cancellation of the purchase using a toll-free
telephone number.