

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1612

H.P. 1164

House of Representatives, April 23, 2019

An Act Regarding the Presumption of Abandonment of Gift Obligations

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker GIDEON of Freeport.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: BAILEY of Saco, DILLINGHAM of Oxford, HANDY of Lewiston,
Senators: CARSON of Cumberland, DOW of Lincoln, KEIM of Oxford.

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

2 **Sec. 1. 33 MRSA §1953, sub-§1, ¶G,** as corrected by RR 2011, c. 1, §48, is
3 amended to read:

4 G. A ~~gift obligation or~~ stored-value card, 2 years after December 31st of the year in
5 which the ~~obligation or the~~ most recent transaction involving the ~~obligation or~~ stored-
6 value card occurred, whichever is later, including the initial issuance and any
7 subsequent addition of value to the ~~obligation or~~ stored-value card.

8 (1) The amount unclaimed is 60% of the ~~gift obligation's or~~ stored-value card's
9 face value.

10 (2) A ~~gift obligation or~~ stored-value card sold on or after December 31, 2011 is
11 not presumed abandoned if the ~~gift obligation or~~ stored-value card was sold by a
12 single issuer who in the past calendar year sold no more than \$250,000 in face
13 value of ~~gift obligations or~~ stored-value cards. Sales of ~~gift obligations and~~
14 stored-value cards are considered sales by a single issuer if the sales were by
15 businesses that operate either:

16 (a) Under common ownership or control with another business or businesses
17 in the State; or

18 (b) As franchised outlets of a parent business.

19 (3) A period of limitation may not be imposed on the owner's right to redeem ~~the~~
20 a gift obligation or stored-value card.

21 (4) Notwithstanding section 1956, fees or charges may not be imposed on gift
22 obligations or stored-value cards, except that the issuer may charge a transaction
23 fee for the initial issuance and for each occurrence of adding value to an existing
24 gift obligation or stored-value card. These transaction fees must be disclosed in a
25 separate writing prior to the initial issuance or referenced on the gift obligation or
26 stored-value card.

27 (5) Beginning November 1, 2008, if the gift obligation or stored-value card is
28 redeemed in person and a balance of less than \$5 remains following redemption,
29 at the consumer's request the merchant redeeming the gift obligation or
30 stored-value card must refund the balance in cash to the consumer. This
31 subparagraph does not apply to a prepaid telephone service card, a gift obligation
32 or nonreloadable stored-value card with an initial value of \$5 or less or a stored-
33 value card that is not purchased but provided as a promotion or as a refund for
34 merchandise returned without a receipt.

35 (6) This paragraph does not apply to prefunded bank cards;_

36 (7) A gift obligation card may not be presumed to be abandoned;

37 **SUMMARY**

38 Under current law, a gift obligation card, which includes a gift certificate, gift card
39 and online gift account, is considered abandoned 2 years after the expiration of the

1 calendar year in which it was purchased or last used. This bill removes the presumption
2 of abandonment for gift obligation cards.