

Office of Policy and Legal Analysis

Date: February 17, 2021

To: Joint Standing Committee on Innovation, Development, Economic Advancement and Business

From: Rachel Olson, Legislative Analyst

LD 235 An Act To Require Furniture Sellers to Accept Cancellations Before Delivery (Craven)

Bill Summary

This bill requires that any seller of furniture in Maine that offers delivery of the furniture allow the buyer to cancel an order according to a set policy disclosed to the buyer at the time of sale. If the furniture seller fails to do so, it is a violation of the Unfair Trade Practices Act.

Testimony

Proponents (Sponsor Rep. Craven)

- This bill presents a common-sense approach for consumers and a reasonable approach for businesses
- Refusing to cancel an order just hours after placing it is not a fair business practice

Neither For Nor Against: None

Opponents (Curtis Picard, President and CEO of the Retail Association of Maine)

- The issue does not rise to the level of needing a legislative fix
- Most retailers do offer refunds
- Factors such as third-party delivery services, the impacts of COVID 19 on the industry, and production should be considered
- Other remedies already exist, such as social media and a three-step complaint process outline by the Maine Consumer Law Guide, chapter 1
- Concerned about the terms “furniture sellers” and “reasonable” not being defined

Potential Issues or Technical Problems:

- Who would be considered a “furniture seller” for the purposes of this section?
- What is considered “reasonable” or who is responsible for determining what is “reasonable?”

Information Requests:

1. What are the consumer protection laws related to this type of situation in Maine?

According to the Attorney General’s Office, a sale of goods by a merchant to consumers is considered a contract and falls under the Maine Uniform Commercial Code (U.C.C.). In Maine, if one discovers the good or service is seriously defective and one acts immediately, the business should return your

money, no questions asked. Otherwise, a store can set their own return policy. Whatever policy the store sets is considered a part of the contract between merchant and consumer. The policy can be a no-returns policy.

The Attorney General's Office also outlines three steps for consumers to follow if they have a complaint against a business. These include: First, effectively complain to the business, second, to try mediation through the Attorney General's Consumer Mediation Service, and third, to consider bringing a case yourself in Small Claims Court.

Fiscal Impact:

Not yet determined

Links:

- [Testimony](#)
- [Maine Consumer Law Guide, Chapter 1: How to Enforce Your Consumer Rights](#)
- [Maine Consumer Law Guide, Chapter 3: The Maine Unfair Trade Practices Act](#)
- [Maine Consumer Law Guide, Chapter 5: Consumer Rights If You Are Sold Defective Goods or Services](#)
- [Title 5, Chapter 10: Unfair Trade Practices](#)
- [Title 11, Article 2: Sales \(Uniform Commercial Code\)](#)