



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1659

S.P. 653

In Senate, December 23, 2013

An Act To Amend the Uniform Deceptive Trade Practices Act

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

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BOYLE of Cumberland.
Cosponsored by Representative FARNSWORTH of Portland and
Senator: SAVIELLO of Franklin, Representatives: GATTINE of Westbrook, HERBIG of
Belfast, KRUGER of Thomaston, McCABE of Skowhegan, ROCHELO of Biddeford,
SANBORN of Gorham, THERIAULT of Madawaska.

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

2 **Sec. 1. 10 MRSA §1212, sub-§1**, as amended by PL 1973, c. 625, §53, is further
3 amended to read:

4 **1. Lists.** A person engages in a deceptive trade practice when, in the course of ~~his~~
5 the person's business, vocation or occupation, ~~he~~ the person:

6 A. Passes off goods or services as those of another;

7 B. Causes likelihood of confusion or of misunderstanding as to the source,
8 sponsorship, approval or certification of goods or services;

9 C. Causes likelihood of confusion or of misunderstanding as to affiliation,
10 connection or association with, or certification by, another;

11 D. Uses deceptive representations or designations of geographic origin in connection
12 with goods or services;

13 E. Represents that goods or services have sponsorship, approval, characteristics,
14 ingredients, uses, benefits or quantities that they do not have, or that a person has a
15 sponsorship, approval, status, affiliation or connection that ~~he~~ the person does not
16 have;

17 F. Represents that goods are original or new if they are deteriorated, altered,
18 reconditioned, reclaimed, used or secondhand;

19 G. Represents that goods or services are of a particular standard, quality or grade, or
20 that goods are of a particular style or model, if they are of another;

21 H. Disparages the goods, services or business of another by false or misleading
22 representation of fact;

23 H-1. Pays a person to post an online review to disparage or praise goods, services or
24 a business;

25 H-2. Posts an online review that disparages or praises goods, services or a business
26 and the person is paid or contracted to do so;

27 I. Advertises goods or services with intent not to sell them as advertised;

28 J. Advertises goods or services with intent not to supply reasonably expectable
29 public demand, unless the advertisement discloses a limitation of quantity;

30 K. Makes false or misleading statements of fact concerning the reasons for, existence
31 of or amounts of; price reductions; or

32 L. Engages in any other conduct ~~which~~ that similarly creates a likelihood of
33 confusion or of misunderstanding.

34 **SUMMARY**

35 This bill amends the Uniform Deceptive Trade Practices Act by prohibiting a person
36 from posting online reviews that disparage or praise goods, services or a business if that

1 person is paid or contracted to disparage or praise the goods, services or business and by
2 prohibiting a person from paying for such reviews.