

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1550

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S. P. 483

In Senate, March 22, 1973

Referred to the Committee on Judiciary. Subsequently on motion of Senator Berry of Cumberland, reference reconsidered and referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to the Deletion of an Exemption under the Unfair Trade Practices Act.**

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

**Sec. 1. R. S., T. 5, § 208, sub-§ 2, amended.** Subsection 2 of section 208 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 577 of the public laws of 1969, is amended to read as follows:

**2. Interstate commerce.** Trade or commerce of any person of whose gross revenue at least 20% is derived from transactions in interstate commerce, excepting however transactions and actions which occur primarily and substantially within the State, and as to which the Federal Trade Commission or its designated representative has failed to assert in writing within 14 days of notice to it and to said person by the Attorney General its objection to action proposed by him and set forth in said notice; **the burden of proving exemption, under this subsection, from this chapter shall be upon the person claiming the exemption.** ~~or.~~

**Sec. 2. R. S., T. 5, § 208, sub-§ 3, repealed.** Subsection 3 of section 208 of Title 5 of the Revised Statutes, as enacted by section 1 of chapter 577 of the public laws of 1969, is repealed.

STATEMENT OF FACT

Under the cover of the exemption in subsection 3, a business enterprise could continue to defraud Maine consumers during the several years it takes

to settle the typical F.T.C. case. Whereas the F.T.C. does not have any power to enjoin a fraudulent act or order restitution, a Maine Court, unhampered by subsection 3, could order the deceptive practices halted in Maine and decree restitution for our consumers.