

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 710

H. P. 583

House of Representatives, March 3, 1977

On motion of Ms. Clark of Freeport, referred to Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Gill of South Portland.

Cosponsor: Mr. Boudreau of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Pertaining to Suits by the Attorney General on Behalf of Consumers.

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

5 MRSA § 209-A is enacted to read:

§ 209-A. *Parens patriae* suits by the Attorney General

The Attorney General may bring an action as *parens patriae* for violation of section 207 on behalf of all persons in this State, as a class, who have suffered any ascertainable loss by reason of the use or employment of any method, act or practice declared by section 207 to be unlawful. The members of such class may be determined by use of statistical evidence and need not receive notice of the suit.

In such actions the court shall make such orders or judgments as may be necessary to compensate the class for damages suffered both compensatory and punitive, by reason of such unlawful methods, acts or practices. Damages collected by the Attorney General in such action shall be distributed pro rata to all members of the class who can reasonably be located. However, no person shall be compensated more than once for damages suffered. The remainder, if any, of such other distribution by the Attorney General, shall be distributed as ordered by the court consistent with the purposes of this chapter.

This section shall have retroactive application.

STATEMENT OF FACT

The purpose of this bill is to make state law consistent with newly enacted federal legislation which permits the Attorney General to sue as *parens*

patriae representative of consumers who have been harmed by unfair or uncompetitive business activity. It allows the Attorney General to assist consumers in those cases in which an unlawful business practice has harmed each individual consumer by perhaps only a few cents on each purchase for which a consumer would not sue, but has inflicted substantial harm when the damage to all consumers is taken collectively.