

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 138**

H. P. 121

House of Representatives, January 23, 1979

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Howe of South Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Concerning Remedies under the Unfair Trade Practices Statutes.**

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

**5 MRSA § 213, sub-§ 1**, as amended by PL 1973, c. 788, § 13, is further amended to read:

**1. Court action.** Any person who purchases or leases goods, services or property, real or personal, primarily for personal, family or household purposes and thereby suffers any loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 207 or by any rule or regulation issued under section 207, subsection 2 may bring an action in the Superior Court for **restitution damages** and for such other equitable relief, including an injunction, as the court may deem to be necessary and proper.

STATEMENT OF FACT

This bill, by stating that a plaintiff may bring an action under the Unfair Trade Practices Act for “damages” instead of “restitution,” ensures the right to a jury trial in that situation. It has been held in Maine courts that the right to an action for “restitution” precludes a jury trial.