

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1339

H. P. 1075

House of Representatives, March 20, 1979

On Motion of Mr. Howe of South Portland, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Howe of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Permit the Attorney General to Retain Amounts Recovered for Costs of Investigation and Suit.

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

Sec. 1. 5 MRSA § 209, last sentence, as amended by PL 1975, c. 199, is further amended to read:

In any action under this section where a permanent injunction has been issued, the court may order the person against whom the permanent injunction has been issued to pay to the State the costs of the investigation of that person by the Attorney General and the costs of the suit, which funds shall ~~accrue to the General Fund~~ **to be returned to the Department of the Attorney General.**

Sec. 2. 5 MRSA § 210, 2nd sentence, as enacted by PL 1969, c. 577, § 1, is amended to read:

Such assurance may include a stipulation for the voluntary payment by such person of the costs of investigation, **which shall be returned to the Department of the Attorney General**, or of an amount to be held in escrow pending the outcome of an action or as restitution to aggrieved buyers, or both.

Sec. 3. 10 MRSA § 1107, as amended by PL 1977, c. 175, § 4, is further amended by adding after the 4th sentence the following:

The court may order the return of the costs of the investigation to the Department of the Attorney General in any action brought under this chapter.

STATEMENT OF FACT

In recent years the Attorney General has spent substantial sums of money for investigation of unfair trade practices and antitrust law violations. When these costs are ordered repaid by the court or by agreement of the parties, the moneys returned accrue to the General Fund and are not available to the Attorney General for use in undertaking new investigations. This bill will permit all investigative costs and costs of suit to be returned directly to the Attorney General so that the money may be immediately reused for new investigations.