

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-337)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT"//to H.P. 707, L.D. 832, Bill, "AN  
ACT to Amend the Maine Unfair Trade Practices' Laws."

Amend the bill by striking out everything after the  
enacting clause and inserting in its place the following:

'Sec. 1. 5 MRSA §209, as last amended by PL 1975, c. 199,  
is further amended by adding at the end a new paragraph to read:

In any action under this section where a permanent injunction  
is denied, the court may order the State to pay the costs of  
the defense of the prevailing party or parties and the costs of  
the suit upon a finding by the court that the action was  
frivolous.

Sec. 2. 5 MRSA §213, sub-§2, as enacted by PL 1973, c. 251,  
is amended by adding at the end a new sentence to read:

In any action under this section where a permanent injunction is  
denied, the court may order the State to pay to the prevailing  
party or parties reasonable attorney's fees and costs incurred  
in connection with the action.'

Statement of Fact

Title 5, section 209 currently provides that the Attorney  
General's office may bring an action to enjoin any activity which

the Attorney General considers to constitute an unfair trade practice. In the event the Attorney General obtains a permanent injunction, Title 5, section 209 provides that costs of investigation and suit may be awarded to the State. This amendment authorizes the court to reimburse the party opposing the request for permanent injunction for its attorneys' fees and costs incurred in defending the action if it → found the action to be frivolous.

Title 5, section 213 provides a private right of action to any person who purchases or leases his goods, services or property primarily for personal, family or household use and thereby suffers any loss as a result of an unfair trade practice. Title 5, section 213, subsection 2 currently orders the courts to award reasonable attorneys' fees and costs incurred in any case where there is a finding that an unfair trade practice has been committed. The amendment would authorize the court to award attorneys' fees to the prevailing party in such a suit if it found the action to be frivolous.

Reported by the Committee on Judiciary.  
Reproduced and distributed under the direction of the Clerk  
of the House.

5/7/81

(Filing No. H-337)