

MAINE STATE LEGISLATURE

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(New Draft of H.P. 570, L.D. 718)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document No. 1567

H.P. 1178 House of Representatives, May 5, 1983

Reported by the Minority from the Committee on Business Legislation
and printed under Joint Rule 2.

Original bill presented by Representative Mitchell of Vassalboro.
Cosponsored by Representative Reeves of Pittston, Representative Hayden of
Durham and Senator Violette of Aroostook.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-THREE

AN ACT to Amend the Unfair Trade
Practices Law.

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

5 MRSA §213, sub-§1, as amended by PL 1983, c. 29, §2, 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 either in the Superior Court or District Court for damages, other than punitive damages, restitution and for such other equitable relief,

1 including an injunction, as the court may deem to be
2 necessary and proper. There shall be a right to
3 trial by jury in any action brought in Superior Court
4 under this section.

5 STATEMENT OF FACT

6 This new draft corrects the original bill, which
7 provided for collection of damages under the "fees
8 and costs" provision of the unfair trade practices
9 law. This new draft places that provision in the sub-
10 section which deals with the remedies which are
11 generally available to the consumer. It also clari-
12 fies that the ability to seek damages under this
13 provision does not include punitive or exemplary dam-
14 ages.

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