

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1025

6  
7 H.P. 715

House of Representatives, March 13, 1985

8 On motion of Representative Brannigan of Portland, referred to the  
9 Committee on Business and Commerce. Sent up for concurrence and ordered  
10 printed.

EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Portland.

11 Cosponsored by Representative Murray of Bangor.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Increase Consumers' Remedies under  
18 the Unfair Trade Practices Laws.  
19

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

22 Sec. 1. 5 MRSA §213, sub-§1, as amended by PL  
23 1983, c. 29, §2, is further amended to read:

24 1. Court action. Any person who purchases or  
25 leases goods, services or property, real or personal,  
26 primarily for personal, family or household purposes  
27 and thereby suffers any loss of money or property,  
28 real or personal, as a result of the use or employ-  
29 ment by another person of a method, act or practice  
30 declared unlawful by section 207 or by any rule or  
31 regulation issued under section 207, subsection 2 may  
32 bring an action either in the Superior Court or Dis-  
33 trict Court for restitution and for such other equi-  
34 table relief, ~~including an injunction,~~ as the court  
35 may deem to be necessary and proper, including in-  
36 junctions and orders to return, reform, refund, re-

1 pair or rescind. There shall be a right to trial by  
2 jury in any action brought in Superior Court under  
3 this section.

4 Sec. 2. 5 MRSA §213, sub-§2, as enacted by PL  
5 1973, c. 251, is amended to read:

6 2. Fees and costs. If the court finds, in any  
7 action commenced under this section that there has  
8 been a violation of section 207, the petitioner  
9 shall, in addition to other relief provided for  
10 either by this section, or statutory or common law  
11 and irrespective of the amount in controversy, be  
12 awarded reasonable attorney's fees and costs incurred  
13 in connection with ~~said~~ the action.

14 STATEMENT OF FACT

15 The purpose of this bill is to clarify and  
16 strengthen the remedies available to consumers bring-  
17 ing private actions under the unfair trade practices  
18 laws. Section 1 adopts the same definition of equi-  
19 table relief that is currently available to consumers  
20 in small claims court in the Maine Revised Statutes,  
21 Title 14, section 7481. Section 2 permits consumers  
22 to recover attorneys' fees if they establish an un-  
23 fair trade practice, even if the consumer receives  
24 relief under another statute or under common law the-  
25 ory.

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