

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1057, L.D. 1546, Bill, "An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages"

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 5 MRSA §213, sub-§1-A is enacted to read:

1-A. Settlement offer. At least 30 days prior to the filing of an action for damages, a written demand for relief, identifying the claimant and reasonably describing the unfair and deceptive act or practice relied upon and the injuries suffered, must be mailed or delivered to any prospective respondent at the respondent's last known address. A person receiving a demand for relief, or otherwise a party to any litigation arising from the claim that is the subject of the court action, may make a written tender of settlement or, if a court action has been filed, an offer of judgment. If the judgment obtained in court by a claimant is not more favorable than any rejected tender of settlement or offer of judgment, the claimant may not recover attorney's fees or costs incurred after the more favorable tender of settlement or offer of judgment.

The demand requirement of this subsection does not apply if the claim is asserted by way of counterclaim or cross claim.'

Further amend the bill by inserting at the end before the statement of fact the following:

'FISCAL NOTE

This bill allows consumers who have been injured by an illegal or unfair trade practice to seek from the business reimbursement for their damages.

