MAINE STATE LEGISLATURE

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	L.D. 1546
2	(Filing No. H-: 47)
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6	and the state of the
_	STATE OF MAINE
8	HOUSE OF REPRESENTATIVES
10	115TH LEGISLATURE FIRST REGULAR SESSION
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	COMMITTEE AMENDMENT "A" to H.P. 1057, L.D. 1546, Bill, "An
14	Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages"
16	nedovor Damages
	Amend the bill by striking out all of section 2 and
18	inserting in its place the following:
20	'Sec. 2. 5 MRSA §213, sub-§1-A is enacted to read:
22	1-A. Settlement offer. At least 30 days prior to the
	filing of an action for damages, a written demand for relief,
24	identifying the claimant and reasonably describing the unfair and
26	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
28	relief, or otherwise a party to any litigation arising from the
30	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
30	offer of judgment. If the judgment obtained in court by a
32	claimant is not more favorable than any rejected tender of
	settlement or offer of judgment, the claimant may not recover
34	attorney's fees or costs incurred after the more favorable tender of settlement or offer of judgment.
36	or secciement of order or judgment.
	The demand requirement of this subsection does not apply if the
38	claim is asserted by way of counterclaim or cross claim.
40	Further amend the bill by inserting at the end before the
	statement of fact the following:
42	FISCAL NOTE
44	FISCAL NOTE
_	This bill allows consumers who have been injured by an
46	illegal or unfair trade practice to seek from the business

reimbursement for their damages.

COMMITTEE AMENDMENT "A" to H.P. 1057, L.D. 1546

The additional work load and administrative costs associated with an increase in the number of cases filed as a result of this provision will be absorbed within the budgeted resources of the Judicial Department. Given the high cost of jury trials, a 6 General Fund appropriation may be necessary once the cumulative effect of all legislation impacting upon rights to jury trials is 8 known.' 10 STATEMENT OF FACT 12 14 The original bill deals with consumers who have suffered damages due to an unfair trade practice. It provides additional 16 injured consumers to and promotes out-of-court settlements. This amendment integrates into the bill the standards of the Maine Rules of Civil Procedure, Rule 68. Rule 18

68 allows a defendant to make to the plaintiff an offer of judgment before the trial commences. If the plaintiff rejects this offer to settle and does not receive in court a more

favorable result, the plaintiff is not entitled to any costs incurred after the making of the settlement offer. This

amendment also makes clear that all defendants in an unfair trade practice action for damages may make a tender of settlement.

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Reported by the Committee on Business Legislation Reproduced and distributed under the direction of the Clerk of the House (5/28/91) (Filing No. H-447)