

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 59

H.P. 34

House of Representatives, January 9, 1997

**An Act to Authorize Actions under the Unfair Trade Practices Act  
Regarding Habitability of Dwelling Units.**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.  
Cosponsored by Senator RAND of Cumberland and  
Representatives: LEMAIRE of Lewiston, SAMSON of Jay.

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

**Sec. 1. 5 MRSA §206, sub-§3,** as enacted by PL 1969, c. 577, §1, is amended to read:

**3. Trade and commerce.** "Trade" and "commerce" shall include the advertising, offering for sale, sale or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value wherever situate, and shall include any trade or commerce directly or indirectly affecting the people of this State. This definition applies to the primary and ancillary businesses engaged in by any person.

**Sec. 2. 14 MRSA §6021, sub-§8** is enacted to read:

**8. Unfair trade practice.** For purposes of an action under Title 5, section 209, it is an unfair and deceptive trade practice in violation of Title 5, section 207 for a person to engage in the act or practice of providing one or more dwelling units that are unfit for human habitation.

**SUMMARY**

This bill amends the Unfair Trade Practices Act so that it applies to all businesses engaged in by any person, including businesses associated with a primary business. It also makes it a violation of the Unfair Trade Practices Act to provide one or more dwelling units that do not comply with the implied warranty and covenant of habitability. It enables the Attorney General to bring an action against violators under the Unfair Trade Practices Act.