

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1251

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H.P. 908

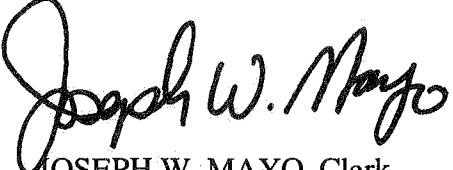
House of Representatives, February 25, 1997

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**An Act to Preserve Consumer Privacy.**

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Reference to the Committee on Business and Economic Development suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative VEDRAL of Buxton.  
Cosponsored by Representatives: BRAGDON of Bangor, CARLETON of Wells, JOY of  
Crystal, MERES of Norridgewock.

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

4                   **Sec. 1. 10 MRSA §1305** is enacted to read:

6                   **§1305. Consumer privacy**

8                   1. Prohibition. A business operating in this State may not  
collect, store, sell, transfer or use information concerning the  
10 purchases or habits of any individual without specific written  
permission of that individual.

12                   2. Attorney General action. Whenever the Attorney General  
has reason to believe that any business operating within this  
14 State has engaged or is engaging in a pattern or practice of  
collecting, storing, selling or using information concerning the  
16 purchases or habits of any individual in violation of subsection  
1, the Attorney General may bring a civil action on behalf of  
18 consumers for either or both of the following:

20                   A. An injunction to stop future practices violating  
subsection 1; or

22                   B. Recovery of actual monetary losses from each violation  
24 or up to \$500 in damages for each violation.

26 If the court finds the defendant willfully or knowingly violated  
subsection 1, the court may, in its discretion, increase the  
28 amount of the award to an amount equal to not more than 3 times  
the amount available under paragraph B.

30                   3. Private right of action. An individual may bring an  
32 action in the District Court or the Superior Court to recover  
damages caused by a violation of subsection 1 and for other  
34 equitable relief, including an injunction, as the court may  
consider necessary and proper. The court may also require the  
36 defendant to reimburse the individual for costs of suit including  
reasonable attorney's fees.

38                   

40                   **SUMMARY**

42                   This bill prohibits businesses from maintaining or  
44 transferring information about the purchases or habits of any  
individual without receiving written permission from the  
46 individual. The bill allows the Attorney General to bring  
actions against violators on behalf of consumers to enjoin future  
48 violations or to recover damages. The bill further authorizes  
the court to impose treble damages for willful and knowing  
violations. Aggrieved individuals are given a private right of  
50 action to recover damages and any other relief the court  
considers necessary and proper.