MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

No. 2109

H.P. 1612

Legislative Document

House of Representatives, February 14, 2002

Millient M. Mac Failand

An Act to Prevent Price Gouging During Abnormal Market Disruptions.

Reference to the Committee on Judiciary suggested and ordered printed.

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NORBERT of Portland. (GOVERNOR'S BILL)

Cosponsored by Senator TREAT of Kennebec and

Representatives: BULL of Freeport, JACOBS of Turner, LaVERDIERE of Wilton,

MITCHELL of Vassalboro, SCHNEIDER of Durham, SHERMAN of Hodgdon, SIMPSON of

Auburn, Senator: RAND of Cumberland.

§91,	Sec. 1. 10 MRSA §1105, as amended by PL 1979, c. 541, Pt. A, is repealed and the following enacted in its place:
§1105. Price gouging	
	1. Definitions. As used in this section, unless the
	ext otherwise indicates, the following terms have the owing meanings.
	A. "Abnormal market disruption" includes, but is not
	limited to, the conditions that prevail during any emergency or energy emergency proclaimed by the Governor as such
	pursuant to Title 37-B, section 742. An abnormal market disruption may result from stress of weather, convulsion of
	nature, failure or shortage of electric power or energy, strike, civil disorder, war, terrorism or other cause.
	B. "Necessities" means any vital or necessary good or
	service, including, but not limited to, food for human or animal consumption; clothing; prescription and
	nonprescription drugs; medications and medical supplies; building materials; energy; fuel; equipment for heat, light
	and power; emergency equipment; or supplies and tools, machinery and equipment required for production of any of
	these.
	C. "Profiteering" occurs when a person offers for sale or sells goods or services, at any level of trade or commerce
	including wholesale and retail, at a price that exceeds, by
	a factor greater than 15%, exclusive of increased costs, the price at which similar goods or services were offered for
	sale or sold by that person immediately prior to the abnormal market disruption.
	2. Price gouging. A person is guilty of price gouging if
	person intentionally or knowingly engages in profiteering in ssities during an abnormal market disruption.
	3. Crime. Price gouging is a Class C crime.
	4. Unfair trade practice. Price gouging constitutes an
	r act in the conduct of trade or commerce pursuant to Title
	SUMMARY

of competition. The bill makes price gouging a Class C crime.

This bill clarifies that price gouging is an unfair method

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