

# MAINE STATE LEGISLATURE

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Date: 5/15/07

L.D. 94  
(Filing No. H-240)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 86, L.D. 94, Bill, "An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 5 MRSA §208, sub-§1**, as enacted by PL 1969, c. 577, §1, is amended to read:

**1. Regulatory boards.** Transactions or actions otherwise permitted under laws as administered by any regulatory board or officer acting under statutory authority of the State or of the United States; ~~or~~. This exception applies only if the defendant shows that:

- A. Its business activities are subject to regulation by a state or federal agency; and
- B. The specific activity that would otherwise constitute a violation of this chapter is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation or other regulatory approval.'

**SUMMARY**

This amendment replaces the bill, which exempts from application of the law actions expressly permitted. The amendment establishes a 2-step analysis to determine if a defendant's transactions or actions are excepted from the application of the Maine Unfair Trade Practices Act. First, the defendant must show that its business activities are subject to regulation by a state or federal agency. If the defendant satisfies the first step, then the defendant must show that the specific activity that is the focus of the inquiry is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation, or that other regulatory approval, which may be less formal than law, rule or regulation, authorizes, permits or requires the specific activity.

**COMMITTEE AMENDMENT**