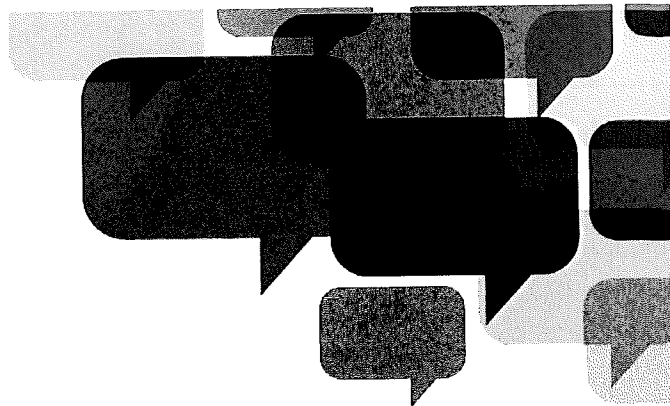




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March 3, 2025

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Members of the Judiciary Committee

RE: Testimony IN OPPOSITION of LD 194, An Act to Improve the Maine Unfair Trade Practices Act

Dear Senator Carney, Representative Kuhn and members of the Judiciary Committee:

My name is Curtis Picard, and I serve as the President and CEO of the Retail Association of Maine. Our association represents retailers of all sizes, and Maine's retailers employ more than 80,000 Mainers. I am submitting testimony in strong opposition to LD 194.

While Maine's Unfair Trade Practices Act (UTPA) already allows for a private right of action, this bill would significantly expand the ability for individuals to bring legal complaints without demonstrating actual monetary harm. This change introduces serious concerns for businesses operating in Maine and could lead to unintended consequences, including an increase in frivolous litigation.

Last year, extensive discussions took place around whether to add a private right of action for data privacy violations. That effort ultimately did not pass, and we view LD 194 as an attempt to circumvent that debate—broadening private rights of action under the guise of a general consumer protection change rather than through targeted data privacy legislation. This approach is particularly concerning because it expands legal exposure for businesses without clear justification or safeguards.

If enacted, LD 194 would likely result in:

- **Increased Litigation** – Eliminating the requirement to show actual monetary damages lowers the threshold for filing lawsuits, leading to an influx of claims that could burden courts and businesses alike.

- **Higher Costs for Businesses** – The uncertainty created by an expanded private right of action could lead to increased legal defense costs, insurance premiums, and compliance burdens, particularly for small businesses with limited resources.
- **A Chilling Effect on Innovation** – Companies operating in Maine, especially those in retail and technology sectors, may hesitate to introduce new services or policies due to heightened legal risk.

Maine already has strong consumer protection laws, and the UTPA provides multiple avenues for addressing unfair or deceptive trade practices. However, LD 194 removes an essential safeguard by allowing lawsuits to proceed without evidence of financial harm, creating a legal environment ripe for abuse.

For these reasons, I urge the committee to reject LD 194. Thank you for your time and consideration. I would be happy to answer any questions.

Thank you for your time and consideration.

Sincerely,

Curtis Picard, CAE
President and CEO