

Linda Caprara
Winthrop
LD 194

Good Morning Sen. Carney, Rep. Kuhn and Members of the Joint Standing Committee on Judiciary. My name is Linda Caprara. I am Vice President of the Maine State Chamber of Commerce. We are here to testify in opposition to L.D. 194, An Act to Improve the Maine Unfair Trade Practices Act.

The Maine Unfair Trade Practices Act (UTPA) is designed to protect consumer and business from unfair or deceptive trade practices. We feel the way the law is structured now is entirely appropriate and works.

We oppose L.D. 194 for the following reasons. One of the most concerning reasons is this bill would remove restrictions to causes of actions which are found under current law by expanding the universe of consumer causes of action to things beyond simple purchases of goods, services and property. What exactly is included in this universe as a practical matter is not clear. The legislature in its wisdom narrowed the scope to include the above so that it was clear what the intent of the law was. This throws the flood gates open for anyone to bring a private right of action against anyone or anything. It would allow anyone who suffers from unfair trade practice regardless of the purpose of the purchase or the type of loss to pursue legal action. It appears the only people that will benefit are the lawyers. Our read is that it applies to business-to-business transactions/matters as well.

To be quite honest, we are not exactly clear what the purpose of this legislation is or what the potential ramifications would be. Therefore, we respectfully ask you vote ought not to pass on L.D. 194. I would be happy to answer any questions.