CHAPTER 749

CIVIL RECOVERY FOR RETAIL THEFT

§8301. Short title

This chapter may be known and cited as the "Maine Civil Recovery for Retail Theft Act." [PL 1995, c. 288, §4 (NEW).]

SECTION HISTORY

PL 1995, c. 288, §4 (NEW).

§8302. Civil recovery

1. Liability. Any person who unlawfully takes or attempts to take merchandise from a merchant is liable to the merchant in accordance with provisions of this chapter.
[PL 1995, c. 288, §4 (NEW).]

2. No limitation. The provisions of this chapter may not be construed to prohibit or limit any other cause of action that a merchant may have against a person who unlawfully takes merchandise from the merchant.
[PL 1995, c. 288, §4 (NEW).]

3. Civil recovery. Any person who unlawfully takes or attempts to take merchandise from a merchant is civilly liable to the merchant in an amount consisting of:

A. Damages equal to the retail price of the merchandise if the item is not returned in a merchantable condition; and [PL 1995, c. 288, §4 (NEW).]

B. A civil penalty equal to 3 times the retail price of the merchandise, but not less than $50 or more than $500. [PL 1995, c. 288, §4 (NEW).]
[PL 1995, c. 288, §4 (NEW).]

4. Written demand. The fact that an action may be brought against an individual as provided in this chapter does not limit the right of a merchant to make a written demand that a person who is liable for damages and penalties under this chapter remit the damages and penalties prior to the commencement of any legal action.

A. If a person to whom demand is made complies with the demand, that person incurs no further civil liability for that specific act of retail theft. [PL 1995, c. 288, §4 (NEW).]

B. Any demand under this section must be accompanied by a copy of this chapter. [PL 1995, c. 288, §4 (NEW).]
[PL 1995, c. 288, §4 (NEW).]

5. Criminal prosecution. A criminal prosecution under Title 17-A, chapter 15 is not a prerequisite to an action under this chapter and such a criminal prosecution does not bar civil action. An action under this chapter does not bar a criminal prosecution under Title 17-A, chapter 15.
[PL 1995, c. 288, §4 (NEW).]

6. Failure to prosecute. If a merchant files suit to recover damages and penalties pursuant to this chapter, and the merchant fails to appear at a hearing in such proceedings without excuse from the court, the court shall dismiss the suit without prejudice and award costs to the defendant.
[PL 1995, c. 288, §4 (NEW).]

7. Fraudulent prosecution. Any person who knowingly uses provisions of this chapter to demand or extract money from a person who is not legally obligated to pay a penalty may be punished by a fine of not more than $1,000 or by imprisonment for not more than one year or by both.
[PL 1995, c. 288, §4 (NEW).]

SECTION HISTORY

PL 1995, c. 288, §4 (NEW).

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