

By Mr. Brownell of Quincy, petition of Thomas F. Brownell relative to establishing consumer protection and antitrust divisions in the office of each district attorney. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT ESTABLISHING CONSUMER PROTECTION AND ANTITRUST DIVISIONS IN THE OFFICE OF EACH DISTRICT ATTORNEY.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 SECTION 1. Chapter 12 of the General Laws is hereby
2 amended by inserting after section 13 the following section: —
3 *Section 13A.* There may be in the office of the district attorney
4 for each district a division of consumer protection and a division of
5 antitrust. Each such district attorney may designate an assistant
6 district attorney as director of the consumer protection division
7 who by training and experience shall qualify as an expert in consu-
8 mer law, and an assistant district attorney as director of the anti-
9 trust division who by training and experience shall qualify as an
10 expert in antitrust law.

1 SECTION 2. The first paragraph of section 4 of chapter 93A of
2 the General Laws, as appearing in chapter 544 of the acts of 1972, is
3 hereby amended by inserting after the words "attorney general", in
4 line 1, the following words: — or district attorney.

1 SECTION 3. Said section 4 of said chapter 93A is hereby
2 further amended by striking out the second and third paragraphs,
3 as appearing in section 3 of chapter 814 of the acts of 1969, and
4 inserting in place thereof the following paragraphs: —
5 At least ten days prior to the commencement of any action
6 brought under this section, the attorney general or the district

7 attorney shall notify the person of his intended action, and give the
8 person an opportunity to confer with the attorney general or
9 district attorney in person or by counsel or other representative as
10 to the proposed action. Such notice shall be given the person by
11 mail, postage prepaid, to his usual place of business, or, if he has no
12 usual place of business, to his last known address.

13 Any law enforcement officer receiving notice of any alleged
14 violation of this chapter or of any violation of an injunction or
15 order issued in an action brought under this section shall imme-
16 diately forward written notice of the same together with any
17 information that he may have to the office of the attorney general
18 or district attorney.

1 SECTION 4. Section 5 of said chapter 93A, as so appearing, is
2 hereby amended by inserting after the word "attorney general", in
3 line 39, the following words: — or district attorney.

1 SECTION 5. Said section 5 of said chapter 93A, as so appear-
2 ing, is hereby further amended by inserting after the word "attor-
3 ney general", in line 49, the words: — or district attorney.

1 SECTION 6. Said section 5 of said chapter 93A, as so appear-
2 ing, is hereby further amended by inserting after the word "attor-
3 ney general", in line 52, the words: — or district attorney.

1 SECTION 7. Paragraph (1) of section 6 of said chapter 93A, as
2 so appearing, is hereby amended by inserting after the word "attor-
3 ney general", in line 53, the words: — or district attorney.

1 SECTION 8. Paragraph (2) of said section 6 of said chapter
2 93A, as so appearing, is hereby amended by inserting after the
3 word "attorney general", in line 69, the words: — or district
4 attorney.

1 SECTION 9. Paragraph (4) of said section 6 of said section 6 of
2 said chapter 93A, as so appearing, is hereby amended by inserting
3 after the word "attorney general's", in line 90, the words: — or
4 district attorney's.

1 SECTION 10. Paragraph (6) of said section 6 of said chapter
2 93A, as so appearing, is hereby amended by inserting after the
3 word "attorney general" in line 102, the words: — or district
4 attorney.

1 SECTION 11. The second paragraph of section 7 of said chap-
2 ter 93A, as so appearing, is hereby amended by inserting after the
3 word "attorney general", in line 125, the words: — or district
4 attorney.

1 SECTION 12. Said chapter 93A is hereby further amended by
2 striking out section 8, as amended by section 4 of said chapter 814,
3 and inserting in place thereof the following section: —

4 *Section 8.* Upon petition by the attorney general or district
5 attorney, the court may for habitual violation of injunctions issued
6 pursuant to section four order the dissolution, or suspension, or
7 forfeiture of franchise of any corporation or the right of any
8 foreign corporation to do business in the commonwealth.

1 SECTION 13. Said chapter 93A is hereby further amended by
2 striking out section 10, as amended by section 1 of chapter 614 of
3 the acts of 1972, and inserting in place thereof the following
4 section: —

5 *Section 10.* Upon commencement of any action brought under
6 section nine or section eleven, the clerk of the court shall mail a
7 copy of the bill in equity to the attorney general or district attorney
8 and, upon entry of any judgment of decree in the action, the clerk
9 of the court shall mail a copy of such judgment or decree to the
10 attorney general or district attorney.

11 Any permanent injunction or order of the court made under
12 section four shall be prima facie evidence in an action brought
13 under section nine or section eleven that the respondent used or
14 employed an unfair or deceptive act or practice declared unlawful
15 by section two.

