

**Press Release
From the Office of
State Representative
Gale D. Candaras**

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CANDARAS URGES PASSAGE OF ANTI-GOUGING BILL

WILBRAHAM, MA -- September 16, 2005 – Representative Gale D. Candaras (D-Wilbraham) announced today that the Joint Committee on Public Safety and Homeland Security reported out favorably to the House and Senate her bill to prohibit price-gouging in a wide range of consumer goods in times of public emergencies or disasters. Candaras introduced her bill in January, 2005. The Joint Committee held hearings on the bill last June, but had not yet reported it out of committee. “Time is of the essence. Passage of my bill is critical to preventing unscrupulous sellers of consumer goods from profiteering on the backs of helpless victims,” Candaras said.

The Candaras bill, House 3712, would make illegal the disproportionate and unfair raising of prices by sellers of basic consumer goods. In addition to gasoline, her bill would cover home heating oil, bottled water, foodstuffs, medicines, housing and many other products essential to survival by Massachusetts residences in times of local or national emergencies. Candaras said, “With the winter heating season fast approaching, we will need my bill to protect consumers from price-gouging for heating oil, gas and other products covered by the bill.”

Currently, no federal or state law generally prohibits price-gouging. The Attorney General of the Commonwealth has anti-gouging regulations that cover only gasoline and related products and provide only civil penalties. They do not address a range of other consumer goods that residents need in time of emergency or disaster. The Candaras bill would include many more products and provide for criminal penalties, including fines and jail time. “We have ample authority under the State and Federal Constitutions to enact this legislation,” Candaras said.

In her letter to Senate Chair Brian Joyce, House Chair Cheryl Rivera, and the other members of the Committee, Candaras also urged the Committee to amend the bill to strengthen it. She offered three amendments: (1) to change the trigger mechanism from a declaration of an emergency or disaster within Massachusetts to a declaration of an emergency or disaster in any part of the United States that affects Massachusetts or its people, directly or indirectly; (2) to add a civil remedy provision that authorizes both the Attorney General and private citizens to commence civil actions for declaratory, injunctive, or monetary relief; and (3) to include a provision for the recovery of attorney fees and expert witness expenses in civil actions.

Candaras stated that current law, both state and federal, is “grossly inadequate” to address price-gouging in times of natural or man-made emergencies or disasters. “Whether you are a direct victim of a disaster, such as the residents of the Gulf Coast, or an indirect victim, such as the residents of the Commonwealth, Massachusetts law must provide civil and criminal remedies for such victims when sellers of basic necessities engage in price-gouging,” she said.