

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 657

H.P. 487

House of Representatives, February 11, 2003

An Act To Repeal the Forest Products Antitrust Exemption

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Van Buren.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: ASH of Belfast, BLANCHETTE of Bangor, DUPREY of Medway,
JACKSON of Fort Kent, O'BRIEN of Lewiston, WATSON of Bath, Senators: EDMONDS of
Cumberland, HALL of Lincoln.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 10 MRSA §1101**, as amended by PL 1977, c. 175, §1, is further amended to read:

6 **§1101. Contracts in restraint of trade**

8 Every contract, combination in the form of trusts or
10 otherwise, or conspiracy, in restraint of trade or commerce in
12 this State is declared to be illegal, ~~provided that no~~
14 ~~association or corporation organized for the sole purpose of~~
16 ~~marketing, producing or trucking pulpwood or saw logs, the~~
18 ~~members of or stockholders in which are actually engaged in the~~
20 ~~production of such products or selling, cutting or trucking the~~
22 ~~same shall be deemed to be a conspiracy or a combination or in~~
24 ~~restraint of trade or an attempt to lessen competition or to fix~~
prices ~~arbitrarily, nor shall the marketing contracts and~~
agreements ~~between such association or corporation and its~~
members ~~or stockholders be considered illegal as such or in~~
unlawful ~~restraint of trade or as part of a conspiracy or~~
combination ~~to accomplish an improper or illegal purpose.~~ Whoever
shall ~~make~~ makes any such contract or ~~engage~~ engages in any such
combination or conspiracy shall ~~be~~ is guilty of a Class C crime.

26 **Sec. 2. 13 MRSA §171**, as amended by PL 1973, c. 489, §2, is further amended to read:

28 **§171. Formation of trusts forbidden**

30 It shall ~~be~~ is unlawful for any firm or incorporated
32 company, or any number of firms or incorporated companies, or any
34 unincorporated company or association of persons or stockholders,
36 organized for the purpose of manufacturing, producing, refining
38 or mining any article or product ~~which~~ that enters into general
40 use and consumption by the people, to form or organize any trust
42 or to enter into any combination of firms, incorporated or
44 unincorporated companies or association of stockholders, or to
46 delegate to any one or more board or boards of trustees or
48 directors the power to conduct and direct the business of the
50 whole number of firms, corporations, companies or associations
~~which may~~ that have formed or ~~which may~~ that propose to form a
trust, combination or association inconsistent with this section
and contrary to public policy. No association or corporation
organized for the sole purpose of marketing fish, shellfish or
any of the fish products or agricultural products of this State,
or ~~for the sole purpose of marketing, producing or trucking,~~
~~pulpwood or saw logs,~~ the members of or stockholders in which are
actually engaged in the production of such products, or in the
selling, canning or otherwise preserving of fish products, ~~or~~
~~selling, cutting or trucking of pulpwood or saw logs,~~ shall ~~may~~ may

2 be deemed to be a conspiracy or a combination or in restraint of
trade or an attempt to lessen competition or to fix prices
4 arbitrarily; nor shall may the marketing contracts and agreements
between such association or corporation and its members or
6 stockholders be considered illegal as such or in unlawful
restraint of trade or as part of a conspiracy or combination to
accomplish an improper or illegal purpose.

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SUMMARY

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Under current law contracts and trusts formed for the sole
purpose of manufacturing, producing, refining or mining a product
14 may constitute an illegal restraint of trade or conspiracy.
Current law exempts from these provisions associations organized
16 for the sole purpose of marketing, producing or trucking pulpwood
or saw logs. This bill repeals those provisions.

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