

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

§1104. Right of action and damages

Any person, including the State or any political subdivision thereof, injured in its business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by sections 1101 and 1102 or section 1102-A, may sue therefor in a civil action and shall recover threefold 3-fold the damages sustained and costs of suit, including necessary and reasonable investigative costs, reasonable expert's fees and a reasonable attorney fee.

The Attorney General may institute proceedings in equity to prevent and restrain violations of sections 1101, 1102 and 1102-A. These proceedings may be by way of petitions setting forth the case and praying that the violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of that petition, the court shall proceed as soon as may be, to the hearing and determination of the case. Pending the petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just under the circumstances.

Sec. 3. 10 MRSA §1108 is enacted to read:

§1108. Final judgment or decree as prima facie evidence

A final judgment or decree hereafter rendered in any civil or criminal proceeding brought by or on behalf of the State under the antitrust laws to the effect that a defendant has violated these laws shall be prima facie evidence against the defendant in any action or proceeding brought by any party against that defendant under such laws as to matters respecting which that judgment or decree would be an estoppel as between the parties thereto; provided that this section shall not apply to consent judgments or decrees entered before any testimony has been taken. Nothing contained in this section may be construed to impose any limitation on the application of collateral estoppel.

Effective September 23, 1983.

CHAPTER 341

H.P. 1097 - L.D. 1445

AN ACT to Allow Retailers to Sell
Prison Made Items.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law does not permit the sale of prison made items to retailers for resale; and

Whereas, there exists a substantial inventory of the items and several retailers have expressed an interest in purchasing the inventory; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

34 MRSA §555 is amended by adding the following new paragraph to read:

Notwithstanding the language of this section, the warden may authorize the sale of articles produced at the prison and may authorize any person or business entity purchasing articles from the prison to resell those articles if the person or entity requests in writing that authority from the warden at the time the initial purchase is made.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 24, 1983.

CHAPTER 342

H.P. 389 - L.D. 472

AN ACT to License Waste Oil Dealers and
to Include Waste Oil Within Coverage of the
Maine Hazardous Waste Fund.

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

Sec. 1. 38 MRSA §1302, as amended by PL 1979, c. 383, §1, is further amended by adding at the end a new paragraph to read: