

MAINE STATE LEGISLATURE

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1964

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of Maine, 1964

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PART 3

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MONOPOLIES AND PROFITEERING

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§ 1101. Contracts in restraint of trade

Every contract, combination in the form of trusts or otherwise, or conspiracy, in restraint of trade or commerce in this State is declared to be illegal. Whoever shall make any such contract or engage in any such combination or conspiracy shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 137, § 43.

§ 1102. Conspiracies to monopolize trade

Whoever shall monopolize or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce of this State shall be punished upon conviction thereof by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both.

R.S.1954, c. 137, § 44.

§ 1103. Immunity of witnesses from prosecution

If any person shall give testimony or evidence required of him in any court of this State or any federal court, with respect to contracts, combinations or conspiracies in restraint of trade or commerce or to monopolize or attempt to monopolize any part of the trade or commerce of this State, he shall not thereafter be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning such contracts, combinations or conspiracies about which he may testify or produce evidence, and no testimony or evidence produced shall be received against him upon any criminal action, investigation or proceeding instituted under the laws of this State. No person so testifying or producing evidence shall be exempt from prosecution or punishment for perjury committed in so testifying.

1961, c. 280.

§ 1104. Damages

Whoever shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by sections 1101 and 1102 may sue therefor in a civil action and shall recover 3 times the damages by him sustained.

R.S.1954, c. 137, § 45; 1961, c. 317, § 468.

§ 1105. Profiteering in necessities

Any dealer, trader, manufacturer or warehouseman who with intent to enhance the price or restrict the supply of the necessities of life willfully destroys or permits preventable waste in the production, manufacture, storage or distribution of the same, or, with such intent, prevents, limits, lessens or restricts the manufacture, production, supply or distribution of said necessities, or hoards said necessities, or enters into any contract, combination or conspiracy in restraint of trade or commerce, or exacts or demands any unjust or unreasonable profit in the sale, exchange or handling of the said necessities, or unreasonably discriminates against any person in the sale of said necessities, or in any way aids or abets the doing of any act hereinbefore mentioned, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 years, or by both.

The term "necessities of life" shall include food for human consumption, food for domestic animals, wearing apparel, shoes,

building materials, gas and electricity for light, heat and power, ice, fuel of all kinds, fertilizer and fertilizer ingredients, together with tools, utensils, implements, machinery and equipment required for the actual production or manufacture of the same.

R.S.1954, c. 137, § 46.

§ 1106. Profiteering in rents

Whoever demands or collects an unreasonable or unjust rent or charge, taking into due consideration the actual market value of the property at the time, with a fair return thereon, or imposes an unreasonable or unjust term or condition, for the occupancy of any building or any part thereof, rented or hired for dwelling purposes, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

R.S.1954, c. 137, § 47.

§ 1107. Investigation by Attorney General

The Attorney General upon his own initiative or upon petition of 50 or more citizens of this State shall investigate all seeming violations of sections 1105 to 1107, all contracts, combinations or conspiracies in restraint of trade or commerce, and all monopolies, and may require, by summons, the attendance and testimony of witnesses and the production of books and papers before him relating to any such matter under investigation. Such summons shall be served in the same manner as summons for witnesses in criminal cases, and all provisions of law relating thereto shall apply to summonses issued under this section so far as they are applicable. All investigations or hearings thereunder or connected therewith to which witnesses are summoned or called upon to testify or to produce books, records or correspondence shall be public and shall be held in the county wherein the act to be investigated is alleged to have been committed, or if the investigation is on petition it shall be held in the county where the petitioners reside. The expense of such investigation shall be paid from the appropriation provided by Title 5, section 203.

If, upon investigation, it appears to the Attorney General that the laws of this State, including sections 1105 to 1107, have been violated in any respect, he shall forthwith prosecute the guilty parties and present all available information bearing upon such apparent violation to the proper prosecuting officer of the United States.

Any Justice of the Superior Court may by order, upon application of the Attorney General, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the Attorney General in the same manner and to the same extent as before said courts. Any failure to obey such order may be punishable by such court as a contempt thereof.

R.S.1954, c. 137, § 48.