

# MAINE STATE LEGISLATURE

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## CHAPTER 203

## FAIR TRADE ACT

Sec.

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**§ 1151. Short title**

This chapter may be known and cited as the "Fair Trade Act."

R.S.1954, c. 183, § 5.

**§ 1152. Permitted contracts**

**1. Not in violation.** No contract, relating to the sale or resale of a commodity which bears, or the label or content of which bears, or the vending equipment from which said commodity is sold to consumers bears, the trademark, brand or name of the producer or owner of such commodity, and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed in violation of any law of the State by reason of any of the following provisions which may be contained in such contract:

**A.** That the buyer will not resell such commodity at less than the minimum price stipulated by the vendor;

**B.** That the producer or vendee of a commodity require, upon the sale of such commodity to another, that such purchaser agree that he will not, in turn, resell such commodity at less than the minimum price stipulated by such producer or vendee.

**2. Cases in which resale with reference to agreement.** Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:

**A.** In closing out the owner's stock for the purpose of discontinuing delivery of any such commodity; provided such stock is first offered to the manufacturer of such stock at the original invoice price, at least 10 days before such stock shall be offered for sale to the public;

**B.** When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

**C.** When any officer is acting under the orders of any court.  
R.S.1954, c. 183, § 1.

### § 1153. Unfair competition defined

Willfully and knowingly advertising, offering for sale, selling or disposing of any commodity at less than the price stipulated in any contract entered into pursuant to section 1152, whether the person so advertising, offering for sale, selling or disposing of is or is not a party to such contract, is unfair competition and is actionable by any person injured thereby.

R.S.1954, c. 183, § 2; 1961, c. 317, § 626.

### § 1154. Applicability of provisions

This chapter shall not apply to any contract or agreement between producers or between wholesalers or between retailers as to sale or resale prices.

R.S.1954, c. 183, § 3.

### § 1155. Injunction and recovery of damages

Any person, firm, corporation or incorporated trade association may maintain an action in the Superior Court to enjoin a continuance of any act or acts in violation of section 1153 and, if injured thereby, for the recovery of damages. If in such action the court shall find that the defendant is violating or has violated any of the provisions of section 1153, it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff shall be entitled to recover from the defendant 3 times the amount of the actual damages, if any, sustained.

R.S.1954, c. 183, § 4; 1963, c. 414, § 153.