

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND EIGHTH LEGISLATURE

---

---

Legislative Document

No. 347

H. P. 273 House of Representatives, February 9, 1977  
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Wyman of Pittsfield.  
Cosponsor: Ms. Benoit of South Portland.

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

---

**AN ACT to Increase the Penalties for Violation of State Antitrust Laws.**

---

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

Sec. 1. 10 MRSA § 1101, last sentence, as amended by PL 1973, c. 489, § 1, is repealed and the following enacted in its place:

Whoever shall make any such contract or engage in any such combination or conspiracy shall be guilty of a Class C crime.

Sec. 2. 10 MRSA § 1102 is repealed and the following enacted in its place:

§ 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 guilty of a Class C crime.

Sec. 3. 10 MRSA § 1104 is repealed and the following enacted in its place:

§ 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, may sue therefor in a civil action and shall recover threefold the damages sustained and costs of suit, including necessary and reasonable investigative costs, reasonable expert's fees and a reasonable attorney fee.

Sec. 4. 10 MRSA § 1107 is repealed and the following enacted in its place:

**§ 1107. Investigative demand by the Attorney General**

Whenever it appears to the **Attorney General** that any person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by this chapter, he may execute in writing and cause to be served an investigative demand upon that or any other person who is believed to have any information, including any books, papers, records, memoranda, tapes, microfilm or documentary material of whatever nature relevant to the alleged or suspected violation. The investigative demand shall state a time and place for the giving of testimony under oath and the examination of the materials to be produced and shall be served at least 10 days prior to the date set for the examination.

Any person upon whom an investigative demand is served shall appear and give testimony under oath and produce the relevant documentary material for examination at the time and place specified. However, at any time before the return date specified in the investigative demand, or within 20 days after the demand has been served, whichever date occurs first, a petition to extend the return date, or to modify or set aside the demand, stating good cause, may be filed in the Superior Court.

Willful failure to give testimony or to produce documentary material requested in an investigative demand or willful destruction of such material shall constitute a **Class D crime**.

**STATEMENT OF FACT**

This bill would increase the penalties for the violation of Maine's antitrust laws consistent with recent increases in similar federal statutes. It also makes clear that the State and its political subdivisions have a right of action under these laws when damaged as purchasers by antitrust violations. Finally, the bill clarifies the powers of the Attorney General to investigate possible antitrust violations prior to filing suit.