

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1131

H. P. 934

House of Representatives, March 22, 1977

On motion of Mr. Spencer of Standish, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Amend Various Provisions of the Anti-Trust Laws.

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

Sec. 1. 10 MRSA § 1101, last sentence is amended to read:

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~~ guilty of a Class C crime.

Sec. 2. 10 MRSA § 1102, is amended to read:

§ 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~~ 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Sec. 3. 10 MRSA § 1104, is repealed and the following enacted in its place: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Sec. 4. 10 **MRSA § 1107**, is repealed and the following enacted in its place: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

1. **Investigative demand, service; content.** 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.

2. **Testimony; production of documents; petition to alter the demand.** 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 Superior Court.

3. **Penalty.** 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 anti-trust 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 anti-trust violations. Finally, the bill clarifies the powers of the Attorney General to investigate possible anti-trust violations prior to filing suit.