

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1330

H. P. 1077

House of Representatives, March 20, 1979

On Motion of Mr. Howe of South Portland, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Howe of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Improve Private Remedies for Violations of the Antitrust Laws.

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

10 MRSA § 1104, as repealed and replaced by PL 1977, c. 175, § 3, is amended to read:

§ 1104. Right of action and damages

Any person, including the State or any political subdivision thereof, injured in its business or property, **directly or indirectly**, by any other person or corporation by reason of anything forbidden or declared to be unlawful by sections 1101 ~~and~~, 112, **1105 or 1106**, 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.

STATEMENT OF FACT

In June, 1977, the United State Supreme Court held in **Illinois Brick Co. v. Illinois** that only direct purchasers of price-fixed items could sue the antitrust violators; all who purchased indirectly through a middleman are precluded from recovering damages. Estimates by state budget and purchasing officials are that approximately 95% of the purchases of State Governments are through middlemen.

Because the state antitrust law is closely modeled on the federal law, the State may be unable to recover its damages in purchases where middlemen are involved. This bill will ensure standing to the State to sue for recovery of damages resulting from price-fixing and other violations of the antitrust laws.