

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 1030

7 H.P. 788

House of Representatives, March 4, 1983

8 On Motion of Representative Brannigan of Portland, referred to the  
9 Committee on Business Legislation. Sent up for concurrence and ordered  
printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Hayden of Durham.

Cosponsors: Senator Carpenter of Aroostook, Representative Drinkwater  
of Belfast and Representative Allen of Washington.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Conform State Antitrust Laws  
18 with Federal Antitrust Laws.  
19

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

22 Sec. 1. 10 MRSA §1102-A is enacted to read:

23 §1102-A. Acquisition of assets of person engaged in  
24 commerce which tends to create a monopoly

25 No person engaged in commerce in this State may  
26 acquire, directly or indirectly, the whole or any  
27 part of the stock or other share capital, or the  
28 whole of any part of the assets of another person  
29 also engaged in commerce in this State, where in any  
30 line of commerce or any activity affecting commerce  
31 in any section of this State, the effect of the ac-  
32 quisition or use of that share capital, or the ac-  
33 quisition of those assets, may be substantially to  
34 lessen competition or tend to create a monopoly.

1        This section does not apply to persons purchasing  
2 these stocks solely for investment and not using the  
3 same by voting or otherwise to bring about, or in  
4 attempting to bring about, the substantial lessening  
5 of competition, nor may anything contained in this  
6 section prevent a corporation from causing the forma-  
7 tion of subsidiary corporations for the actual carry-  
8 ing on of their immediate lawful business, or the  
9 natural and legitimate branches or extensions  
10 thereof, or from owning and holding all or a part of  
11 the stock of those subsidiary corporations, if the  
12 effect of that formation is not to substantially  
13 lessen competition.

14        Sec. 2. 10 MRSA §1104, as repealed and replaced  
15 by PL 1977, c. 175, §3, is amended to read:

16        §1104. Right of action and damages

17        Any person, including the State or any political  
18 subdivision thereof, injured in its business or prop-  
19 erty by any other person or corporation by reason of  
20 anything forbidden or declared to be unlawful by sec-  
21 tions 1101 and 1102 or section 1102-A, may sue there-  
22 for in a civil action and shall recover ~~threefold~~  
23 3-fold the damages sustained and costs of suit,  
24 including necessary and reasonable investigative  
25 costs, reasonable expert's fees and a reasonable  
26 attorney fee.

27        The Attorney General may institute proceedings in  
28 equity to prevent and restrain violations of sections  
29 1101, 1102 and 1102-A. These proceedings may be by  
30 way of petitions setting forth the case and praying  
31 that the violation shall be enjoined or otherwise  
32 prohibited. When the parties complained of shall  
33 have been duly notified of that petition, the court  
34 shall proceed as soon as may be, to the hearing and  
35 determination of the case. Pending the petition and  
36 before final decree, the court may at any time make  
37 such temporary restraining order or prohibition as  
38 shall be deemed just under the circumstances.

39        Sec. 3. 10 MRSA §1108 is enacted to read:

40        §1108. Final judgment or decree as prima facie evi-  
41 dence

