

# 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)

1  
2

L.D. 1156  
(Filing No. H-305 )

3  
4  
5  
6

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

7  
8  
9

COMMITTEE AMENDMENT "A" to H.P. 809, L.D. 1156, Bill, "AN ACT To Provide Penalties for Violations of Antitrust Statutes."

10  
11  
12

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

13  
14  
15

'10 MRSA §1104, as amended by PL 1983, c. 340, §2, is further amended by adding at the end a new paragraph to read:

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

'Each course of conduct which constitutes a violation of sections 1101 and 1102 is a civil violation for which a civil penalty of not more than \$50,000 for each defendant shall be adjudged. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged. An action to recover a civil penalty from a defendant under this section shall bar a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based. A criminal prosecution against a defendant pursuant to section 1101 or 1102 shall bar any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

35

FISCAL NOTE

36  
37  
38

This amendment enacts a \$50,000 penalty for anti-trust violations. General Fund revenues can be expected to increase depending on the number of viola-

COMMITTEE AMENDMENT "A" to H.P. 809, L.D. 1156

1 tions each year. Historically, the number of anti-  
2 trust violations has varied significantly from year  
3 to year.'

4 STATEMENT OF FACT

5 This amendment accomplishes the following:

6 1. Changes the penalty from a minimum penalty to  
7 a maximum penalty and reduces the penalty from  
8 \$100,000 to \$50,000;

9 2. Eliminates the application of the penalty to  
10 the Maine Revised Statutes, Title 10, section 1102-A;

11 3. Limits the penalty to one course of conduct  
12 rather than to each separate violation of sections  
13 1101 and 1102; and

14 4. Requires the State to elect between proceed-  
15 ing for a civil penalty or initiating a criminal  
16 prosecution under sections 1101 and 1102.

17 4049053185

Reported by the Committee on Business and Commerce  
Reproduced and distributed under the direction of the  
Clerk of the House

6/3/85

(Filing No. H-305)