

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1653

H.P. 1186

House of Representatives, May 12, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MARSANO of Belfast.

Cosponsored by Senator HOLLOWAY of Lincoln, Senator HOBBS of York
and Speaker MARTIN of Eagle Lake.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Amend the Antitrust Laws to Permit Suits by Indirect
Purchasers.**



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

3 **10 MRSA §1104, sub-§1, as enacted by PL 1987, c. 60, §1, is**
5 **amended to read:**

7 **1. Right of action and damages.** Any person, including the
9 State or any political subdivision of the State, injured directly
11 or indirectly in its business or property by any other person or
13 corporation by reason of anything forbidden or declared to be
15 unlawful by section 1101, 1102 or 1102-A, may sue for the injury
 in a civil action. If the court finds for the plaintiff, he the
 plaintiff shall recover 3 times the amount of the damages
 sustained and cost of suit, including necessary and reasonable
 investigative costs, reasonable experts' fees and reasonable
 attorneys attorney's fees.

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STATEMENT OF FACT

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21 Manufacturers generally sell their products to distributors,
23 who in turn sell to retailers, who then sell to the ultimate
25 user. If a group of manufacturers fix and raise the price of the
27 product, federal law makes them liable to the distributor, but
29 not to the subsequent purchasers of the product. The United
31 States Supreme Court, however, has recently held in California v.
33 ARC America Corp. that a state may enact a law making the
 manufacturer liable to the indirect purchasers. This bill amends
 Maine law to provide Maine citizens and corporations with a right
 to sue a manufacturer for damages suffered as a result of a
 manufacturer's violation of state antitrust laws, regardless of
 whether the citizens or corporations are direct or indirect
 purchasers from the defendant. Fifteen states currently have
 this law.