

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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Sixty-Fourth Legislature.

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HOUSE.

No. 282.

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STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE.

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AN ACT to prevent such formation of trusts, combination of business firms, incorporated or unincorporated companies, or association of persons or stockholders, as may be contrary to public policy.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. It shall be unlawful for any firm or  
2 incorporated company, or any number of firms or  
3 incorporated companies, or any unincorporated  
4 company, or association of persons or stockholders,  
5 organized for the purpose of manufacturing, pro-  
6 ducing, refining, or mining any article or product

7 which enters into general use and consumption by  
8 the people, to form or organize any trust, or to  
9 enter into any combination of firms, incorporated  
10 or unincorporated companies, or association of  
11 stockholders, or to delegate to any one or more  
12 board or boards of trustees or directors the power  
13 to conduct and direct the business of the whole  
14 number of firms, corporations, companies or  
15 associations which may have, or which may pro-  
16 pose to form a trust, combination or association  
17 inconsistent with the provisions of this section and  
18 contrary to public policy.

SECT. 2. No certificate of stock, or other  
2 evidence of interest, in any trust, combination, or  
3 association, as named in section one (1) of this  
4 act, shall have legal recognition in any court in  
5 this State, and any deed to real estate given by  
6 any person, firm, or incorporation, for the purpose  
7 of becoming interested in such trust, combination,  
8 or association, or any mortgage given by the latter  
9 to the seller, as well as all certificates growing out  
10 of such transaction, shall be void.

SECT. 3. Any incorporated company now oper-  
2 ating under the laws of this State, and which, at  
3 the date of the passage of this act, may be inter-

4 ested in any trust, combination, or association  
5 named in section one (1) of this act, or any firm,  
6 incorporated or unincorporated company, or associ-  
7 ation of persons or stockholders, who shall enter  
8 into, or become interested in such trust, combina-  
9 tion or association, after the passage of this act,  
10 shall be deemed guilty of a misdemeanor, and be  
11 subject to a fine of not less than five nor more than  
12 ten thousand dollars; provided, that nothing in this  
13 section shall be so construed as to apply to such  
14 incorporated companies as shall, within ninety days  
15 from the date of the passage of this act, withdraw  
16 from and sever all connection with such trust,  
17 combination or association.

SECT. 4. It shall be the duty of the Secretary of  
2 State, as soon as may be after the passage of this  
3 act, to forward to the president, secretary or treas-  
4 urer, of each incorporated company organized for  
5 the purpose of manufacturing, producing, refining  
6 or mining any article or product which enters into  
7 general use and consumption by the people; and  
8 doing business within this State, a copy of this act,  
9 and also a letter of inquiry as to whether said cor-  
10 poration has merged all or any part of its business  
11 or interests in or with any trust, combination or

12 association of persons or stockholders as named in  
13 section one of this act, and to require an answer,  
14 under oath, of the president, secretary, treasurer  
15 or director of said company, a form of affidavit  
16 together with questions to be answered shall be  
17 prescribed by the Secretary of State and forwarded  
18 with said letter, and on neglect or refusal to make  
19 answers under oath to such questions for the term  
20 of ninety days from the date of this act, the Secre-  
21 tary of State shall notify the Attorney General  
22 whose duty it shall be forthwith to file an informa-  
23 tion in the nature of a writ of quo warranto with  
24 the Supreme Judicial Court against said corpora-  
25 tion, and the court may, upon hearing and proof  
26 of such neglect or refusal, decree the dissolution  
27 of said corporation, and its corporate rights and  
28 powers shall be terminated.

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STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
March 1, 1889. }

Reported from Committee on Judiciary by Mr. TALBOT of East  
Machias; ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*