

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 364

House of Representatives, March 21, 1921.

Reported by Mr. Gardiner from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Amend the Law Relating to Profiteering.

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

Section 1. Chapter two hundred and fifty-six, section one
2 of the public laws of nineteen hundred and nineteen is here-
3 by amended by inserting after the word "necessities" in
4 the seventh line of said section and before the word "or"
5 in the eighth line of said section, the words 'or enters into
6 any contract, combination or conspiracy in restraint of trade
7 or commerce'; and said section one is further amended by
8 inserting after the word "power" in the sixteenth line there-
9 of the word 'ice,' so that as amended said section shall read
10 as follows:

'Section 1. Penalty prescribed for profiteering in the ne-
2 cessities of life; term "necessities of life" defined. Any

3 dealer, trader, manufacturer or warehouseman who with in-
4 tent to enhance the price or restrict the supply of the neces-
5 sities of life wilfully destroys or permits preventable waste
6 in the production, manufacture, storage or distribution of
7 the same, or, with such intent, prevents, limits, lessens or
8 restricts the manufacture, production, or supply or distri-
9 bution of said necessities, or enters into any contract, com-
10 bination or conspiracy in restraint of trade or commerce,
11 or exacts or demands any unjust or unreasonable profit in
12 the sale, exchange or handling of the said necessities, or
13 unreasonably discriminates against any person in the sale
14 of such necessities, or in any way aids or abets the doing
15 of any act hereinbefore mentioned, shall be punished by fine
16 not exceeding one thousand dollars or imprisonment for not
17 more than three years, or by both such fine and imprison-
18 ment.

The term "necessities of life" shall include food for hu-
2 man consumption, food for domestic animals, wearing ap-
3 parel, shoes, building materials, gas and electric light, heat
4 and power, ice, fuel of all kinds, fertilizer and fertilizer in-
5 gredients, together with tools, utensils, implements, machin-
6 ery and equipment required for the actual production or
7 manufacture of the same.'

Sect. 2. Chapter two hundred and fifty-six, section three
2 of the public laws of nineteen hundred and nineteen, is
3 hereby amended by inserting between the words "general"
4 and "shall" in the seventh line of said section the words

5 'upon his own initiative or upon petition of fifty or more
6 citizens of this state'; and said section three is further
7 amended by inserting between the word "all" and the word
8 "violations" in the seventh line of said section three the word
9 'seeming'; and said section three is hereby further amended
10 by inserting after the word "applicable" in the fourteenth
11 line of said section three the words 'which investigations
12 or hearings thereunder or connected therewith to which
13 witnesses are summoned or called upon to testify or to pro-
14 duce books, records or correspondence, shall be public and
15 shall be held in the county where the act to be investigated
16 is alleged to have been committed, or if the investigation
17 is on petition, it shall be held in the county where the peti-
18 tioners reside'; and said section three is hereby further
19 amended by striking out the word "or" in the nineteenth line
20 of said section three and inserting in place thereof the word
21 'and'; and said section three is further amended by striking
22 out the words "the State of Maine or" in the twenty-first
23 line of said section and inserting in place thereof the word
24 'and,' so that as amended said section three shall read as fol-
25 lows:

'Sect. 3. Attorney general to investigate violations; may
2 summon witnesses and require production of books, papers,
3 records, etc.; how expense of investigation shall be paid;
4 attorney general to prosecute and to present available in-
5 formation to United States officials. Supreme or superior
6 court justices may compel attendance of witnesses before
7 attorney general; failure to obey summons to be considered

8 contempt of court. The attorney general upon his own ini-
9 tiative or upon petition of fifty or more citizen of this state
10 shall investigate all seeming violations of this act, all con-
11 tracts, combinations or conspiracies in restraint of trade
12 or commerce and all monopolies, and may require, by sum-
13 mons, the attendance and testimony of witnesses and the
14 production of books and papers before him relating to such
15 matters under investigation. Such summons shall be served
16 in the same manner as summons for witnesses in criminal
17 cases before said courts and all provisions of law relating
18 thereto shall apply to summonses issued under this act so
19 far as they are applicable. All investigations or hearings
20 thereunder or connected therewith to which witnesses are
21 summoned or called upon to testify or to produce books,
22 records or correspondence, shall be public and shall be held
23 in the county wherein the act to be investigated is alleged
24 to have been committed, or if the investigation is on peti-
25 tion, it shall be held in the county where the petitioners re-
26 side. The expense of such investigation shall be paid from
27 the appropriation provided by section seventy-two of chapter
28 eighty-two of the revised statutes.

If upon investigation, it appears to the attorney general
2 that the laws of this state, including the provisions of this
3 act, have been violated in any respect, he shall forthwith
4 prosecute the guilty parties, and present all available infor-
5 mation bearing upon such violation to the proper prosecuting
6 officer of the United States.

Any justice of the supreme judicial court or of a superior
2 court may by order, upon application of the attorney gen-
3 eral, compel the attendance of witnesses, the production of
4 books and papers, including correspondence, and the giving
5 of testimony, before the attorney general in the same man-
6 ner and to the same extent as before said courts; and any
7 failure to obey such order may be punished by such court
8 as a contempt thereof.'