

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 228

H. P. 557

House of Representatives, January 31, 1939.

Referred to Committee on Judiciary. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Whitney of Bangor.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

• AN ACT to Amend the Fair Trade Act.

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

P. L., 1937, c. 204, § 1, amended. Section 1 of chapter 204 of the public laws of 1937 is hereby amended to read as follows:

‘Sec. 1. Certain contracts not invalid. A. No contract, relating to the sale or resale of a commodity which bears, or the label or content of which bears, **or the vending equipment from which said commodity is sold to consumers bears**, the trade-mark, brand or name of the producer or owner of such commodity, and which is in fair and open competition with commodities of the same general class produced by others, shall be deemed in violation of any law of the state by reason of any of the following provisions which may be contained in such contract:

(1) That the buyer will not resell such commodity at less than the minimum price stipulated by the vendor.

(2) That the producer or vendee of a commodity require upon the sale of such commodity to another, that such purchaser agree that he will not, in turn, resell such commodity at less than the minimum price stipulated by such producer or vendee.

B. Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases :

(1) In closing out the owner's stock for the purpose of discontinuing delivery of any such commodity ; provided, however, that such stock is first offered to the manufacturer of such stock at the original invoice price, at least 10 days before such stock shall be offered for sale to the public.

(2) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof.

(3) When any officer is acting under the orders of any court.'