

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 496**

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H. P. 1234

House of Representatives, February 5, 1941.

Referred to the Committee on Judiciary and 750 copies ordered printed.  
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hinckley of South Portland.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT Amending the Unfair Sales Act.**

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

**Sec. 1. P. L., 1939, c. 240, § 2, amended.** Section 2 of chapter 240 of the public laws of 1939, as amended, is hereby further amended to read as follows:

**‘Sec. 2. Penalty.** Any retailer who, with intent to injure competitors or destroy competition, advertises, offers to sell or sells at retail any item of merchandise at less than cost to the retailer, or any wholesaler who, with intent as aforesaid, advertises, offers to sell or sells at wholesale any item of merchandise at less than cost to the wholesaler, shall be punished by a fine of not more than \$500. **In all prosecutions under this section, proof of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him as herein defined shall be prima facie evidence of intent to injure competitors and destroy competition.’**

**Sec. 2. P. L., 1939, c. 240, § 4, amended.** Section 4 of chapter 240 of the public laws of 1939, is hereby amended to read as follows:

**‘Sec. 4. Person injured may bring bill in equity.** (a) ~~Any person injured by any violation or who shall suffer injury because of any~~

~~threatened violation of this act,~~ **Any person damaged or who is threatened with loss or injury by reason of a violation or threatened violation of this act,** may bring a bill in equity in the supreme judicial court or the superior court, in term time or vacation, in the county where he resides, to prevent, restrain or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established, the court may enjoin and restrain or otherwise prohibit such violation or threatened violation. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant three times the amount of actual damages by him sustained and the costs of suit including reasonable attorneys' fees.

(b) In the event no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages alone in the superior court in the county where he resides and the measure of damages in such action shall be the same as prescribed in subsection (a) of this section.

(c) **In all proceedings under this section, proof of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler, at less than cost to him as herein defined, shall be prima facie evidence of intent to injure competitors and destroy competition.'**