

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1105**

S. P. 391

In Senate, March 2, 1955

Referred to the Committee on Business Legislation, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Hall of York.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Relating to Unfair Retail Sales of Motor Fuel.**

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

**R. S., c. 184-A, additional.** The revised statutes are hereby amended by adding thereto a new chapter to be numbered 184-A, to read as follows:

**‘CHAPTER 184-A.**

**Unfair Retail Sales of Motor Fuel.**

**Sec. 1. Motor fuel at less than cost.** No retail dealer shall, with intent to injure competitors or lessen competition, advertise, offer to sell or sell at retail motor fuel at less than cost to such retail dealer. Provided, however, that this section shall not apply to any sale made:

I. In closing out in good faith the owner's stock or any part thereof, for the purpose of discontinuing or liquidating his trade in any stock or commodity, or

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

III. By an officer acting under order of any court, or

IV. Sales made in good faith for the purpose of meeting prices of a competitor selling the same article in the same locality or trade area.

**Sec. 2. Definitions.** When used in this chapter: The term "cost to the retail dealer" shall mean the cost of such motor fuel to the dealer plus the cost of doing business, including that part of the overhead of such dealer properly

attributable to the sale of such motor fuel according to generally accepted methods of accounting procedure, which overhead shall include without limitation, labor, including the salaries of proprietors and corporate officials and others or a reasonable value for the services of such where no direct wage or salary is paid to them, rent, or a reasonable return on capital invested in real property used in said business, depreciation, selling costs, including gifts or premiums or other valuable considerations lawfully passing from the dealer to the purchaser in connection with the sale of motor fuel, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

The term "motor fuel" shall mean a light distillate of petroleum or allied substance with suitable volatility and other characteristics to be used as a fuel for operating internal combustion engines, whether or not it is mixed with other materials, or any other product or liquid when sold for use as a fuel in any type of internal combustion engine furnishing power to operate a motor vehicle.

The term "retail dealer" shall mean any person operating a service station, filling station, store, garage or other place of business for the retail sale of motor fuel or the sale of or dispensing of motor fuel for delivery into the service tank or tanks of any motor vehicle which is propelled by an internal combustion motor other than such a motor vehicle belonging to the person owning or operating said place of business.

Sec. 3. Cost survey. Where the retail dealers or any part thereof in a trading area have caused to be made by an independent agency a cost survey of doing retail business in such area in accordance with generally accepted methods of accounting in which survey all retail dealers in said area have been given an opportunity to furnish to the surveyor information from their books and records with respect to their cost of doing business and the said retail dealers have thereafter been given an opportunity to adopt or reject said survey by written approval, such cost-survey shall be deemed competent evidence in proving the cost to any such retailer.

Sec. 4. Penalty. Any retail dealer who violates any of the provisions of section 1 or any person, firm or corporation aiding, assisting or encouraging a violation of this chapter shall be punished by a fine of not more than \$1,000.

Sec. 5. Jurisdiction. On complaint of any retail dealer the Superior Court shall have jurisdiction in equity to restrain and enjoin any act declared illegal by any provision of this chapter and it shall be the duty of the several county attorneys, in their respective counties to prosecute all violators of any provision of said sections.'