

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
98th LEGISLATURE

SENATE AMENDMENT "A" to H. P. 1070, L. D. 1530, Bill, "An Act to Eliminate Discrimination Between Purchasers."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following underlined section:

"Discrimination Between Purchasers.

Sec. 54. Discrimination between purchasers. It shall be unlawful for any person, firm or corporation, either directly or indirectly, to discriminate in price between 2 or more purchasers of a commodity of like grade and quality competing in the sale of such commodity, where the effect of such discrimination may be substantially to lessen competition, or tend to create a monopoly, or to injure, destroy or prevent competition with any person who has received the benefit of such discrimination.

Nothing in this section shall prevent price differentials which make only reasonable allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such commodity is sold or delivered to such purchasers. Nothing in this section shall prevent persons engaged in selling a commodity from selecting their own customers in bona fide transactions and not in restraint of trade. Nothing in this section shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

On Complaint of any person, the Superior Court shall have jurisdiction in equity to restrain and enjoin any act declared illegal by this section and it shall be the duty of the several county attorneys in their respective counties to prosecute all violations of any provision of this section."

Presented by Senator Charles of Cumberland.

Read and adopted in the Senate May 21, 1957.

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(Filing No. 574)

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