

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-seventh and Eighty-eighth
Legislatures

OF THE

STATE OF MAINE

From April 7, 1935 to April 24, 1937

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842, and Acts approved
August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1937

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-Eighth Legislature

1937

Chapter 204

AN ACT to Protect Trade-Mark Owners, Distributors and the Public against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality under a Trade-Mark, Brand or Name.

Be it enacted by the People of the State of Maine, 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, 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.

Sec. 2. Unfair competition defined. Wilfully and knowingly advertising, offering for sale, selling or disposing of any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section 1, whether the person so advertising, offering for sale, selling or disposing of is or is not a party to such contract, is unfair competition and is actionable at the suit of any person injured thereby.

Sec. 3. Limitation. This act shall not apply to any contract or agreement between producers or between wholesalers, or between retailers as to sale or resale prices.

Sec. 4. Injunction and recovery of damages provided for. Any person, firm, corporation or incorporated trade association may maintain an action in the supreme judicial or superior court to enjoin a continuance of any act or acts in violation of section 2 of this act, and, if injured thereby, for the recovery of damages. If, in such action the court shall find that the defendant is violating or has violated any of the provisions of section 2 of this act, it shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the such plaintiff shall be entitled to recover from the defendant 3 times the amount of the actual damages, if any, sustained.

Sec. 5. Title. This act may be known and cited as the "Fair Trade Act."

Approved April 20, 1937.

Chapter 205

AN ACT Relative to Bounties.

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

R. S., c. 38, § 77, repealed. Section 77 of chapter 38 of the revised statutes, as revised is hereby repealed and the following inserted in place thereof:

'Sec. 77. Bounty on bobcat, loup cervier, and Canada lynx. There shall be a bounty of \$15 for every bobcat, loup cervier and Canada lynx which is killed within the state, to be paid by the treasurer of state to the person killing the same upon compliance with the following conditions. No bounty shall be paid unless the claimant, within 5 days after he has killed such animal, exhibits to the warden or chief warden in whose district the animal was killed the entire skin thereof, with the ears, nose and tail thereon in as perfect a state as when killed, except natural decay, and signs a certificate under oath stating that he killed such animal and the time and place within the state. Such certificate must be approved by and bear the signature of the warden or chief warden in whose district the animal was killed, stating that he believes the cat to have been killed at the time and place stated therein, and he shall thereupon cut off the whole of the tail from the skin and forward the same by mail to the commissioner, together with the claimant's certificate in the following form:

CLAIMANT'S CERTIFICATE

To the Commissioner of Inland Fisheries and Game:

I hereby certify that on the day of A. D., 19...
at in the state of Maine, I killed the bobcat, loup cervier