

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Eighty-ninth and Ninetieth
Legislatures

OF THE
STATE OF MAINE

From April 21, 1939 to April 26, 1941
AND MISCELLANEOUS STATE PAPERS

Published by 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.

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Ninetieth Legislature

1941

shown by the records of his office and such foreign corporation shall within 30 days thereafter designate some other person as its attorney as herein provided.'

Approved March 8, 1941

Chapter 38

AN ACT Relating to Sale of Soft Drinks and Ice Cream by Certain Vendors.

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

P. L., 1933, c. 1, § 187-B, amended. Section 187-B of chapter 1 of the public laws of 1933, which was enacted by section 2 of chapter 83 of the public laws of 1935, is hereby amended by adding at the end thereof the following:

'Stores or other establishments where bottled soft drinks and/or ice cream are sold for consumption from the original containers only, and where no tables, chairs, glasses, or other utensils are provided in connection with such sale, shall not be considered eating places within the meaning of this section; but at such establishments straws or spoons may be provided to aid in the consumption of such bottled soft drinks or ice cream provided they shall be supplied in original individual single service sterile packages.

Such establishments, and all eating places subject to license under chapter 1 of the public laws of 1933, as amended, shall be subject to such inspections as may be deemed necessary by the department to insure compliance with the rules and regulations of the department of health and welfare, relating to sanitation and the prevention of communicable diseases.'

Approved March 8, 1941

Chapter 39

AN ACT Relating to Corporations.

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

R. S., c. 56, additional. Chapter 56 of the revised statutes is hereby amended by adding thereto the following section to be numbered 118, and to read as follows:

CHAP. 40

'Sec. 118. Wasting assets corporations. Subject to any restrictions contained in its certificate of organization, the directors of any corporation engaged in the exploitation of wasting assets may determine the net profits derived from the exploitation of such wasting assets without taking into consideration the depletion of such assets resulting from lapse of time or from necessary consumption of such assets incidental to their exploitation.'

Approved March 8, 1941

Chapter 40

AN ACT Amending the Unfair Sales Act.

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 ~~if the offender is an individual~~ 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