

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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(d) Public beaches; and

(2) Private ways and parking areas, physically adjacent to public ways and designed primarily for vehicular traffic.

Effective September 29, 1987.

## CHAPTER 60

H.P. 214 — L.D. 266

### AN ACT to Amend the State Antitrust Laws.

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

Sec. 1. 10 MRSA §1104, as amended by PL 1985, c. 349, is repealed and the following enacted in its place:

#### §1104. Right of action and damages

1. Right of action and damages. Any person, including the State or any political subdivision of the State, injured in its business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by section 1101, 1102 or 1102-A, may sue for the injury in a civil action. If the court finds for the plaintiff, he shall recover 3 times the amount of the damages sustained and cost of suit, including necessary and reasonable investigative costs, reasonable experts' fees and reasonable attorneys fees.

2. Injunction. The Attorney General may institute proceedings in equity to prevent and restrain violations of sections 1101, 1102 and 1102-A.

A. These proceedings may be by way of petitions setting forth the case and praying that the violation shall be enjoined or otherwise prohibited.

B. When the parties complained of have been duly notified of that petition, the court shall proceed as soon as possible to the hearing and determination of the case.

C. Pending the petition and before final decree, the court may at any time make such temporary restraining order or prohibition as considered just under the circumstances.

3. Civil penalty. Each course of conduct which constitutes a violation of sections 1101 and 1102 is a civil violation for which a civil penalty of not more than \$50,000 for each defendant shall be adjudged.

A. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged.

B. An action to recover a civil penalty from a defendant under this section shall bar a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based.

C. A criminal prosecution against a defendant pursuant to section 1101 or 1102 shall bar any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

4. Recovery of damages, costs and fees for antitrust violations from any political subdivision official or employee of a political subdivision acting in an official capacity. No damages, interest on damages, costs or attorneys fees may be recovered under this chapter from any political subdivision, as defined in Title 14, section 8102, subsection 3, or official or employee of a political subdivision acting in an official capacity.

5. Recovery of damages, costs and fees for antitrust violations on claim against person based on official action directed by political subdivision, or official or employee of a political subdivision acting in an official capacity. No damages, interest on damages, costs or attorneys fees may be recovered under this chapter in any claim against a person based on any official action directed by a political subdivision, as defined in Title 14, section 8102, subsection 3, or official or employee of a political subdivision acting in an official capacity.

Sec. 2. Application. This Act does not apply to any case commenced before the effective date of this Act, except that that part of this Act designated the Maine Revised Statutes, Title 10, section 1104, subsection 4, does not apply to any case commenced before the effective date of this Act unless the defendant establishes and the court determines, in light of all the circumstances, including the stage of litigation and the availability of alternative relief under any other law, that it would be inequitable not to apply that part of this Act to a pending case.

Effective September 29, 1987.

## CHAPTER 61

H.P. 231 — L.D. 299

### AN ACT Concerning Good Time and Meritorious Good Time Relative to Parole Eligibility.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, unless this bill is enacted as emergency legislation, it will not take effect before many of those sentenced pursuant to precode law, who would benefit from