

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FOUR

—  
H.P. 1161 - L.D. 1815

**An Act to Increase Penalties for Violations of the Law Governing Monopolies  
and Profiteering**

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

**Sec. 1. 10 MRSA §1104, sub-§1**, as amended by PL 1989, c. 367, is further amended to read:

**1. Right of action and damages.** Any person, including the State or any political subdivision of the State, injured directly or indirectly 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, the plaintiff ~~shall~~ is entitled to recover 3 times the amount of the damages sustained and cost of suit, including necessary and reasonable investigative costs, reasonable experts' fees and reasonable attorney's fees. The State may recover equitable monetary relief, including restitution and disgorgement.

**Sec. 2. 10 MRSA §1104, sub-§3**, as amended by PL 1991, c. 137, §3, is further amended to read:

**3. Civil penalty.** Each course of conduct that constitutes a violation of section 1101 or 1102 is a civil violation for which a civil penalty of not more than ~~\$100,000~~ \$250,000 for each defendant may 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 bars 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 bars 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.

**Sec. 3. 10 MRSA §1109, sub-§3**, as amended by PL 1991, c. 488, is further amended to read:

**3. Report.** The person acquiring stock or assets under subsection 2 shall provide notice of this acquisition to the Department of the Attorney General at least ~~30~~ 90 days prior to the date of acquisition. That period may be shortened with the consent of the Attorney General.

**Sec. 4. 10 MRSA §1109, sub-§5**, as enacted by PL 1989, c. 750, is amended to read:

**5. Penalty.** Violation of this section is a civil violation for which a civil penalty not to exceed ~~\$10,000~~ \$50,000 may be assessed.