

**§1205. Bill in equity by injured person**

**1. Injunctive relief; damages and costs.** A person damaged or who is threatened with loss or injury by reason of a violation or threatened violation of this chapter may bring a civil action in the Superior Court in the county where the person resides to prevent, restrain or enjoin the violation or threatened violation. If in such an action a violation or threatened violation of this chapter is established, the court may enjoin and restrain or otherwise prohibit the violation or threatened violation. In such an action, it is not necessary that actual damages to the plaintiff be alleged or proved. In addition to injunctive relief, the plaintiff in the action is entitled to recover from the defendant 3 times the amount of actual damages sustained by the plaintiff and the costs of the action including reasonable attorney's fees.

[RR 2023, c. 2, Pt. C, §18 (COR).]

**2. Damages only.** In the event injunctive relief is not sought or required, a person injured by a violation of this chapter may maintain an action for damages alone in the Superior Court in the county where the person resides and the measure of damages in that action is the same as prescribed in subsection 1.

[RR 2023, c. 2, Pt. C, §19 (COR).]

**3. Evidence of intent to injure.** In all proceedings under this section, proof of consistent and repeated advertisements, offers to sell or sales of any items of merchandise by any retailer or wholesaler at less than cost to them as defined in this chapter, said advertisements, offers to sell and sales thereby forming a pattern of sales below cost, shall be prima facie evidence of intent to injure competitors and destroy competition.

**SECTION HISTORY**

RR 2023, c. 2, Pt. C, §§18, 19 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.