

CHAPTER 357

(House Bill 1)

AN ACT to add new Sections 36 through 49 to Article 83 of the Annotated Code of Maryland (1969 Replacement Volume, 1971 Supplement), title "Sales and Notices," to follow immediately after Section 35 and to be under the new subtitle "Antitrust," to prohibit certain contracts, combinations, monopolies and conspiracies in restraint of trade or commerce; to exempt certain activities from the provisions of the Act; to provide criminal penalties and civil remedies for violations of the Act; to provide for enforcement of this Act; and to provide that in construing this Act, the courts be guided by the interpretation given by the federal courts to the various federal statutes dealing with the same or similar matters.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Sections 36 through 49 be and they are hereby added to Article 83 of the Annotated Code of Maryland (1969 Replacement Volume, 1971 Supplement), title "Sales and Notices," to follow immediately after Section 35 thereof and to be under the new subtitle "Antitrust," and to read as follows:

*Antitrust**36. Purpose—Interpretation—Liberal construction—Saving.*

The General Assembly of Maryland hereby declares that the purpose of this Act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts or practices in order to protect the public and foster fair and honest intrastate competition. It is the intent of the General Assembly that, in construing this Act, the courts be guided by the interpretation given by the federal courts to the various federal statutes dealing with the same or similar matters (including, but not limited to, Act of July 2, 1890, Ch.647, 26 U.S. Stat. 209, 15 U.S.C.A., Secs. 1-7; Act of Oct. 15, 1914, Ch. 323, 38 U.S. Stat. 730, 15 U.S.C.A., Secs. 12-27,44; Act of August 17, 1937, Ch. 690, Title VIII, 50 U.S. Stat 693, 15 U.S.C.A., Sec. 1; Act of July 7, 1955, Ch.281, 69 U.S. Stat. 282, 15 U.S.C.A., Secs. 1-3; Act of May 26, 1938, Ch. 283, 52 U.S. Stat. 446, 15 U.S.C.A. Sec. 13-C: and any similar Acts passed in the future.) and that in deciding whether conduct ~~restrains~~ RESTRAINS or monopolizes trade or commerce or may substantially lessen competition within the State of Maryland, determination of the relevant market or effective area of competition shall not be limited by the boundaries of the State of Maryland. To this end this Act shall be liberally construed that its beneficial purposes may be served.

It is, however, the intent of the General Assembly that this subtitle shall not be construed to prohibit acts or practices which are reasonable in relation to the development and preservation of business or which are not injurious to the public interest, nor shall this act be construed to repeal by implication the Fair Trade Act contained in Article 83, Section 102 through Section 110 of the Maryland Annotated Code (1969 Replacement Volume).