

Handwritten signature in blue ink, possibly reading "J. Donlan", enclosed in a blue curved line.

**HOUSE . . . . . No. 3382**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, October 24, 1960.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 3371) of Edward J. McCormack (Attorney General) relative to institution and prosecution by the Attorney General of actions for damages under the federal anti-trust laws on behalf of municipalities and other governmental agencies, report the accompanying bill (House, No. 3382).

For the committee,

EDMOND J. DONLAN.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

AN ACT RELATIVE TO THE INSTITUTION AND PROSECUTION BY THE ATTORNEY GENERAL OF ACTIONS FOR DAMAGES UNDER THE FEDERAL ANTI-TRUST LAWS ON BEHALF OF CERTAIN POLITICAL SUBDIVISIONS AND BODIES POLITIC OF THE COMMONWEALTH.

1    *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to authorize the attorney general  
3 forthwith to institute suits and prosecute violations of the  
4 federal anti-trust laws on behalf of certain political subdivisions  
5 and bodies politic of the commonwealth, therefore it is hereby  
6 declared to be an emergency law, necessary for the immediate  
7 preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1    Chapter 12 of the General Laws is hereby amended by striking  
2 out section 10, as appearing in the Tercentenary Edition, and  
3 inserting in place thereof the following section:—

4    *Section 10.* He shall take cognizance of all violations of law  
5 or of orders of courts, tribunals or commissions affecting the  
6 general welfare of the people, including combinations, agree-  
7 ments and unlawful practices in restraint of trade or for the  
8 suppression of competition, or for the undue enhancement of  
9 the price of articles or commodities in common use, and shall  
10 institute or cause to be instituted such criminal or civil proceed-  
11 ings before the appropriate state and federal courts, tribunals  
12 and commissions as he may deem to be for the public interest,  
13 and shall investigate all matters in which he has reason to believe  
14 that there have been such violations. Whenever it appears to  
15 the attorney general that the commonwealth or any city, town,  
16 or other governmental agency, body or authority established  
17 under the laws of the commonwealth has been so injured or  
18 damaged by any conspiracy, combination or agreement in re-  
19 straint of trade or commerce or similar unlawful action, as to  
20 entitle the commonwealth, a city, town, or other such govern-

21 mental agency, body or authority to a right to bring any action  
22 or proceeding for the recovery of damages under the provisions  
23 of any federal anti-trust or other similar law, the attorney  
24 general shall have authority to institute and prosecute any such  
25 actions or proceedings on behalf of the commonwealth or of any  
26 city, town, or of other governmental agency, body or authority  
27 established under the laws of the commonwealth, and shall have  
28 authority to intervene on behalf of any city, town or other  
29 governmental agency, body or authority in such actions or  
30 proceedings brought on behalf of the commonwealth. In order  
31 to enforce the provisions of this section, he may appoint neces-  
32 sary assistants, with such compensation as, with the approval  
33 of the governor and council, he may fix, and may expend such  
34 sums as may be approved by the governor and council. In  
35 criminal proceedings hereunder he may require district at-  
36 torneys to assist him and under his direction to act for him in  
37 their respective districts.

