

By Ms. McGovern, a petition (accompanied by bill, Senate, No. 1035) of Francis X. Bellotti, Attorney General of the Commonwealth, and Patricia McGovern for legislation to strengthen enforcement of the Massachusetts antitrust laws by the Attorney General and private parties. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

### AN ACT TO STRENGTHEN ENFORCEMENT OF THE MASSACHUSETTS ANTITRUST ACT BY THE ATTORNEY GENERAL AND PRIVATE PARTIES.

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

1 SECTION 1. Section eight of Chapter 93 of the General Laws,  
2 as most recently amended by Chapter 459 of the Acts of 1978,  
3 is hereby amended by striking out paragraph one of said  
4 section, and inserting in place thereof the following para-  
5 paragraph: —

6 Whenever the attorney general has reasonable cause to be-  
7 lieve that any person has engaged in, is engaging in, or is  
8 about to engage in any act or practice prohibited by the Act,  
9 he may, prior to the commencement of any civil or criminal  
10 action as provided for by this Act, issue in writing and cause  
11 to be served upon any person having knowledge thereof a  
12 civil investigative demand requiring such person to produce  
13 documentary material pertinent to the investigation for in-  
14 spection or copying, to answer written interrogatories in writ-  
15 ing and under oath, to give oral testimony concerning docu-  
16 mentary material or information, or to furnish any combina-  
17 tion of such material, answers or testimony.

1 SECTION 2. Paragraph four of said section eight is hereby  
2 amended by inserting, after the word "served", the words: --  
3 by certified or registered mail requiring a signed receipt or

1 SECTION 3. Said section eight is hereby amended by strik-  
2 ing out paragraph thirteen and inserting in place thereof the  
3 following paragraph: —

4 No information obtained or derived in the course of any in-

5 vestigation under this section shall be used or introduced as  
6 evidence by the prosecution in any criminal proceeding except  
7 a criminal proceeding for perjury committed by a person dur-  
8 ing the course of an investigation under this section.

1 SECTION 4. Section nine of said Chapter 93 of the General  
2 Laws as most recently amended by Chapter 459 of the Acts of  
3 1978, is hereby amended by striking out the last sentence of  
4 the first paragraph and by inserting in place thereof the fol-  
5 lowing sentence: —

6 In any action brought on behalf of the Commonwealth or  
7 its public agencies or political subdivisions for damages sus-  
8 tained to their property, if the court finds that the violation  
9 was engaged in with knowledge of its illegality and knowing  
10 intent to injure the commonwealth, public agency or political  
11 subdivision, the court may award up to three time the amount  
12 of actual damages sustained together with the costs of suit,  
13 including reasonable attorneys fees.

1 SECTION 5. Section twelve of said Chapter 93 of the Gen-  
2 eral Laws, as most recently amended by Chapter 459 of the  
3 Acts of 1978, is hereby amended by striking out the second  
4 sentence of the first paragraph and inserting in place thereof  
5 the following sentence: — If the court finds that the violation  
6 was engaged in with knowledge of its illegality and knowing  
7 intent to injure said person, the court may award up to three  
8 times the amount of actual damages sustained, together with  
9 the cost of suit, including reasonable attorneys fees.