

STATE OF MAINE
KENNEBEC, SS.

AUGUSTA LUMBER COMPANY) ASSURANCE OF DISCONTINUANCE

INTRODUCTION

1. Pursuant to the Unfair Trade Practices Act, 5 M.R.S.A. §§ 206-214 (1979 & Supp. 1988), the Attorney General has examined the practices of lumber companies in the Augusta, Maine area including Augusta Lumber Company with respect to the publication of joint advertising or notices.

2. Augusta Lumber Company is a Maine corporation with offices in ^{Augusta} ~~North Monmouth~~, Kennebec County, Maine. Augusta Lumber Company operates a retail lumberyard in ^{Augusta} ~~North Monmouth~~, Kennebec County, Maine.

FACTS AND VIOLATIONS

3. Augusta Lumber Company competes with Lapointe Lumber Co., Inc., Hammond Lumber Company, and Knowles Lumber Co. in the operation of retail lumber businesses in the Augusta, Maine area.

4. For a period of at least several years and continuing until the present, the four lumber companies have caused to be published joint advertisements or notices in the Kennebec Journal, a daily newspaper which has a primary area of circulation in the vicinity of Augusta, Maine. These joint advertisements or notices have announced hours of operation or closing of the four lumber companies on certain major

holidays. For example, in the February 13, 1988 edition of the Kennebec Journal the four lumber companies caused the following advertisement or notice to be published:

The following lumber companies will be
closed Monday, February 15:

Augusta Lumber
Knowles Lumber
Lapointe Lumber
Hammond Lumber

5. In the opinion of the Department of the Attorney General the conduct of the four lumber companies, including the conduct of Augusta Lumber Company, constitutes an unfair method of competition in violation of 5 M.R.S.A. § 207 (1979).

6. In the opinion of the Attorney General the actions of the four lumber companies, including the actions of Augusta Lumber Company, have had and continue to have the following effects:

A. Customers of retail lumber companies in the Augusta, Maine area have been deprived of the benefits of free and open competition; and

B. Competition among the the four lumber companies, through the advertising of sales, promotions or other discounts associated with major holidays, has been and will continue to be restrained, suppressed and eliminated.

ASSURANCE OF DISCONTINUANCE

WHEREFORE, Augusta Lumber Company, pursuant to 5 M.R.S.A. § 210 (1979) assures the Department of the Attorney General, without any admission of liability, and without agreement as to

the opinions of the Attorney General expressed in paragraphs 5 and 6 hereof, that it, its officers, and employees, will not participate, contract or agree with any competing business to publish joint or cooperative advertising or notices concerning hours or times of operation.

FOR AUGUSTA LUMBER COMPANY:

DATED:

By: Robert G. Fraser

STATE OF MAINE
KENNEBEC, SS.

Personally appeared before me the above-named Robert G. Fraser and made oath to the truth of the foregoing statements.

DATED:

12/21/88

Joyce M. Dumont
JOYCE M. DUMONT
NOTARY PUBLIC, MAINE
COMMISSION EXPIRES MARCH 28, 1995
NOTARY PUBLIC

DATED:

12/30/88

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FOR THE STATE OF MAINE:

DATED:

1/11/89

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