

STATE OF MAINE
KENNEBEC, SS.

KNOWLES LUMBER CO.) 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 Knowles Lumber Co. with respect to the publication of joint advertising or notices.

2. Knowles Lumber Co. is a Maine corporation with offices in North Monmouth, Kennebec County, Maine. Knowles Lumber Co. operates a retail lumberyard in North Monmouth, Kennebec County, Maine.

FACTS AND VIOLATIONS

3. Knowles Lumber Co. competes with Lapointe Lumber Co., Inc., Hammond Lumber Company., and Augusta Lumber Company 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 Knowles Lumber Co., 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 Knowles Lumber Co., 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, Knowles Lumber Co., 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 KNOWLES LUMBER CO.:

DATED: December 28, 1988

By: *Kenneth E Knowles*

STATE OF MAINE
KENNEBEC, SS.

Personally appeared before me the above-named *Kenneth E Knowles* and made oath to the truth of the foregoing statements.

DATED:

William F. Hufnagel
NOTARY PUBLIC

WILLIAM F. HUFNAGEL
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES APRIL 28, 1992

MY COMMISSION EXPIRES APRIL 28, 1992

DATED: 12/29/88

William F. Hufnagel

WILLIAM HUFNAGEL, Esq.
Hufnagel & Lake
80 Main St.
P.O. Box 67
Winthrop, Maine 04364
(207) 377-6953
Attorney for Knowles Lumber Co.

FOR THE STATE OF MAINE:

DATED: 1/4/89

Stephen L. Wessler
STEPHEN L. WESSLER
Deputy Attorney General
Chief, Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 289-3661

STATE OF MAINE
KENNEBEC, SS.

HAMMOND 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 Hammond Lumber Company with respect to the publication of joint advertising or notices.

2. Hammond Lumber Company is a Maine corporation with offices in Belgrade, Kennebec County, Maine. Hammond Lumber Company operates a retail lumberyard in Belgrade, Kennebec County, Maine.

FACTS AND VIOLATIONS

3. Hammond Lumber Company competes with Lapointe Lumber Co., Inc., Knowles Lumber Co., and Augusta Lumber Company 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 Hammond 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 Hammond 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, Hammond 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 HAMMOND LUMBER COMPANY:

Ronald C Hammond

By: *Vice President*

DATED: 12-2-88

STATE OF MAINE
KENNEBEC, SS.

Personally appeared before me the above-named *Ronald C. Hammond* and made oath to the truth of the foregoing statements.

DATED: 12-2-88

Rodney Bickford
NOTARY PUBLIC
RODNEY BICKFORD
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRE
JANUARY 6, 1990

DATED: 12-6-88

Jeffrey M. White
JEFFREY M. WHITE, Esq.
Pierce, Atwood, Scribner, Allen,
Smith & Lancaster
One Monument Square
Portland, Maine 04101
(207) 773-6411
Attorney for Hammond Lumber
Company

FOR THE STATE OF MAINE:

DATED: *1/4/89*

Stephen L. Wessler
STEPHEN L. WESSLER
Deputy Attorney General
Chief, Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 289-3661

STATE OF MAINE
KENNEBEC, SS.

LAPOINTE LUMBER CO., INC.) 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 Lapointe Lumber Co., Inc. with respect to the publication of joint advertising or notices.

2. Lapointe Lumber Co., Inc. is a Maine corporation with offices in Augusta, Kennebec County, Maine. Lapointe Lumber Co., Inc. operates a retail lumberyard in Augusta, Kennebec County, Maine.

FACTS AND VIOLATIONS

3. Lapointe Lumber Co., Inc. competes with Hammond Lumber Company, Knowles Lumber Co., and Augusta Lumber Company 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 Lapointe Lumber Co., Inc., 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 Lapointe Lumber Co., Inc., 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 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, Lapointe Lumber Co., Inc., 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 LAPOINTE LUMBER CO., INC.:

DATED:

By: Margaret A. Lord

STATE OF MAINE
KENNEBEC, SS.

Personally appeared before me the above-named Margaret A. Lord and made oath to the truth of the foregoing statements.

DATED: 11/29/88

[Signature]
NOTARY PUBLIC

DATED: 11/27/88

[Signature]
SUMNER LIPMAN, Esq.
Lipman & Parks
72 Winthrop Street
Augusta, Maine 04330
(207) 622-3711
Attorney for Lapointe Lumber
Co., Inc.

FOR THE STATE OF MAINE:

DATED: 1/4/89

[Signature]
STEPHEN L. WESSLER
Deputy Attorney General
Chief, Consumer & Antitrust Division
State House Station 6
Augusta, Maine 04333
(207) 289-3661