

1 2 3 4	(Governor's Bill) (EMERGENCY) SECOND REGULAR SESSION
4 5 6	ONE HUNDRED AND TENTH LEGISLATURE
7 8	Legislative Document No. 2063
9	H. P. 2163 Referred to the Committee on Marine Resources. Sent up for con- currence and ordered printed. EDWIN H. PERT, Clerk
11	Presented by Representative Fowlie of Rockland. Cosponsor: Representative Hanson of Kennebunkport.
12 13	STATE OF MAINE
14 15 16	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-TWO
17 18 19 20	AN ACT to Provide the Authority to the Commissioner of Marine Resources to Register a Trademark.
21 22 23	Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
24 25 26	Whereas, ambiguities exist in the law relating to the development, design and registration of trademarks by the Commissioner of Marine Resources; and
27 28	Whereas, these uncertainties make it extremely diffi- cult to interpret legislative intent in this area; and
29 30 31	Whereas, it is vitally necessary that these uncertain- ties and confusion be resolved in order to prevent any injustice or hardship on the citizens of Maine ; and

1 Whereas, in the judgment of the Legislature, these 2 facts create an emergency within the meaning of the Consti-3 tution of Maine and require the following legislation as 4 immediately necessary for the preservation of the public 5 peace, health and safety; now, therefore,

6 Be it enacted by the People of the State of Maine as follows:

7

12 MRSA §6022, sub-§14 is enacted to read:

8 14. Trademarks. The commissioner may develop, design and register brands, labels or trademarks for 9 identifying 10 marine resource products packed in accordance with official grades and standards established by the department 11 and may 12 furnish information to packers and shippers as to where 13 these labels and trademarks may be obtained. A written 14 application to the commissioner requesting permission to use 15 these brands, labels or trademarks and a written acceptance 16 thereto from the commissioner shall be a condition precedent to the use of these brands, labels or trademarks. The right 17 18 to use these brands, labels or trademarks may be suspended 19 revoked by the commissioner according to the procedures or set forth in section 6101, subsections 6 to 8, whenever it 20 21 appears on investigation that they have been used to identify marine resource products not in fact conforming to the 22 23 grades or standards indicated.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

26

STATEMENT OF FACT

27 This bill is designed to to clarify the Commissioner of 28 Marine Resources' authority to develop, design and register 29 existing provisions, Although specifically trademarks. 30 Title 12, section 6101, make reference to the commissioner's authority to approve establish trade names, 31 there is no express authority for the commissioner to 32 register the trademark with the State and Federal Governments, thereby 33 34 protecting the trademark against infringement or other 35 improper use.

36

5095030582