

MAINE STATE LEGISLATURE

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MS

L.D. 1380

DATE: 5-18-05

(Filing No. S-203)

STATE AND LOCAL GOVERNMENT

Reported by

MINORITY

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STATE OF MAINE SENATE 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT B to S.P. 479, L.D. 1380, Bill, "An Act To Protect Use of Municipal Seals"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 30-A MRSA §§2006 and 2007 are enacted to read:

§2006. Misuse of municipal seal

A person may not use or display an imitation, likeness, imprint, representation, facsimile or copy of a seal of a municipality except by written permission of the municipality from the municipal clerk. A municipality may file an action in District Court applying for an order to enjoin a person from using or displaying the municipal seal in violation of this section. A violation of this section is a civil violation.

§2007. Enforcement of municipal seal misuse

1. Enforcement. All proceedings arising under section 2006 must be brought in the name of the municipality. The municipal clerk may represent the municipality in District Court in the prosecution of alleged misuse of the municipal seal in violation of section 2006.

2. Civil penalties. A person who violates section 2006 commits a civil violation for which a civil penalty of not less

COMMITTEE AMENDMENT

2 than \$100 and not more than \$500 may be adjudged. The
3 municipality may establish the level of the penalty levied within
4 those limits. All penalties resulting from proceedings under
5 this section must be paid to the municipality.

6 In a proceeding under this section, the court shall award to the
7 prevailing party reasonable attorney's fees, expert witness fees
8 and costs.'

10 **SUMMARY**

12 This amendment is the minority report of the committee. The
14 amendment makes the offense of using a municipal seal without
15 permission a civil violation rather than a Class E crime.
16 Municipal clerks may represent the municipality in court.
17 Minimum penalties are set at \$100 and maximum penalties are set
18 at \$500. Municipalities are entitled to collect the penalty and
19 the costs of prosecution. The amendment also specifies that the
20 municipal clerk gives written permission for the use of the
21 municipal seal.

22 **FISCAL NOTE REQUIRED**
24 **(See attached)**



122nd MAINE LEGISLATURE

LD 1380

LR 2143(03)

An Act To Protect Use of Municipal Seals

Fiscal Note for Bill as Amended by Committee Amendment **B**

Committee: State and Local Government

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes a new civil violation.

May increase the number of civil violations in the court system.

The collection of filing fees may increase General Fund revenue by minor amounts.

Dedicates fine revenue to municipalities.