

MAINE STATE LEGISLATURE

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No

February 23, 1951

To Honorable Frederick G. Payne, Governor of Maine
Re: Use of State Seal

The restriction upon the use of the State Seal for commercial purposes is contained in Section 7 of Chapter 130, R.S. 1944. This restriction, as you know, is not an absolute one, in that it is implied that the Seal could be used when the written permission of the Governor has been obtained. As I understand it, your office has been loath to give permission for the commercial use of the Seal and that in so doing you have substantially followed a precedent set by many of your predecessors.

I have read Frederick P. O'Connell's letter carefully, and while his letter would indicate that there is to be no commercial use of the Seal under the plan which his client wishes to adopt, there is no assurance that it would not result in a commercial proposition, nor do I see how any assurances could be given that it would not so result. For example, the very basic plan contemplates that Mr. O'Connell's client will sell the decals to hotels, restaurants, tourist homes, chambers of commerce, etc., and this itself is a commercial transaction which, if successful, would certainly be followed by requests from many other concerns to engage in the same kind of transaction.

If this were countenanced, it then follows that there is no way to restrict the use of the decals after they are in the hands of the operators of hotels, restaurants, tourist homes, chambers of commerce, etc. The decals might or might not be distributed free, or they might be sold to countless persons who in turn might use them in connection with other commercial transactions.

If your present policy and that of your predecessors is to remain the policy of the State, I would suggest that it would be far more satisfactory for Mr. O'Connell's client to cause a decal to be designed which would be equally effective and yet not constitute a facsimile of the State of Maine Seal.

John S. S. Fessenden
Deputy Attorney General

jssf/c