

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1608, L.D. 2199)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2572

H.P. 1880 House of Representatives, March 23, 1988
Reported by Representative TARDY from the Committee on
Agriculture and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative MAHANY of
Easton. Cosponsored by Representatives TARDY of Palmyra,
PARADIS of Frenchville, and PINES of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT to Provide for a State Trademark for**
2 **Maine Products.**
3

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

6 Sec. 1. 7 MRSA §443-B is enacted to read:

7 §443-B. Certification trademark for Maine products

1 1. Registration of trademark. The Commissioner
2 of Agriculture, Food and Rural Resources shall, before
3 December 31, 1988, apply to the United States Patent
4 and Trademark Office for registration for a
5 certification trademark or trademarks consisting of a
6 seal in the form of the outline of the State, the word
7 "Maine" and any other appropriate identifying words.
8 Any certification trademark obtained may only be used
9 on farm products produced within the State. Any
10 certification trademark obtained may be registered
11 with the State in accordance with Title 10, chapter
12 301-A.

13 2. Origin of product. For purposes of this
14 section, the commissioner shall define, by rule, for
15 each commodity group, the meaning of the term
16 "produced within the State" and the minimum percent of
17 the content of any package that must have actually
18 been produced within the State to meet the
19 requirements for use of any mark under this section.

20 The commissioner shall grant a waiver to the minimum
21 content criteria when emergency market conditions
22 arise which are abnormal to the historic flow of a
23 specific commodity, with the degree of the waiver to
24 be determined by the commissioner. The commissioner
25 shall determine what constitutes an emergency
26 condition.

27 3. Quality grades and standards. Any product
28 bearing a certification trademark obtained under this
29 section shall meet the official grades and standards
30 established by the commissioner under section 443 for
31 that commodity.

32 4. Promotion. The commissioner shall contract
33 for services to promote the use of the proposed state
34 trademark.

35 **Sec. 2. Appropriation.** The following funds are
36 appropriated from the General Fund to carry out the
37 purposes of this Act.

1988-89

2 AGRICULTURE, FOOD AND RURAL
3 RESOURCES, DEPARTMENT OF

4 Marketing Services - Agriculture

5	Positions	(2)
6	Personal Services	\$ 44,000
7	All Other	132,700
8	Capital Expenditures	20,000

9 \$64,000 will provide
10 salaries for 2 Produce
11 Inspector III
12 positions and for cars
13 and other travel
14 expenses to allow them
15 to perform their
16 duties. \$132,700 will
17 provide funds for
18 contractual services
19 to promote the use of
20 the proposed state
21 trademark.

22		
23	Total	<u>\$196,700</u>

24 STATEMENT OF FACT

25 This new draft does the following:

26 1. Eliminates sardines from the program;

27 2. Eliminates the 90% Maine product requirement
28 and allows the commissioner to determine the minimum
29 for each commodity group. It also requires the
30 commissioner to grant a waiver from the minimum when
31 emergency market conditions dictate;

32 3. Adds a provision that the commissioner shall
33 contract for the promotion of the trademark. Money

1 for this promotion was in the appropriation section of
2 the original bill but there was no provision to direct
3 the commissioner to arrange for the promotion; and

4 4. The new draft also takes some money from the
5 promotion appropriation and adds it to the capital
6 expenditures appropriation to fund cars and other
7 travel expenses for the produce inspectors. It is the
8 intent of this new draft that the trademark
9 registration and inspection program continue even in
10 years when funds for promotion may not be available.

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