

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2042

S.P. 791

In Senate, December 28, 1989

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Received by the Secretary of the Senate on December 28, 1989. Referred to the Committee on Agriculture and 1,600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

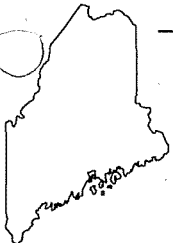
Presented by Senator PERKINS of Hancock.

Cosponsored by Senator TWITCHELL of Oxford, Representative NUTTING of Leeds and Representative PARENT of Benton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Allow Inclusion of Nonagricultural Products in the Quality Program.



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

2
4 Sec. 1. 7 MRSA §443, as amended by PL 1977, c. 694, §48, is further amended to read:

6 **§443. Brands, labels and trademarks; revocation**

8 The commissioner may determine or design brands, labels or
10 trademarks for identifying farm products and sardines and,
12 subject to the additional conditions of this section, other
14 natural resource products and commodities, packed in accordance
16 with such official grades and standards established as provided
18 by law and may furnish information to packers and shippers as to
20 where such those labels and trademarks may be obtained. A
22 written application to the said commissioner requesting
24 permission to use said brands, labels or trademarks, and a
26 written acceptance thereto by the said commissioner or duly
28 authorized assistants, shall be a condition precedent to the use
30 of such those brands, labels or trademarks. The right to use
32 such those brands, labels or trademarks may be suspended or
34 revoked in a manner consistent with the Maine Administrative
36 Procedure Act, Title 5, chapter 375, whenever it appears on
38 investigation that they have been used to identify farm products
40 and sardines or other natural resource products and commodities
42 not in fact conforming to the grade indicated.

44 Before any natural resource product or commodity which is
46 not a farm product is eligible for the use of any brand, label or
48 trademark designed by the commissioner, the commissioner of that
50 department having regulatory or other authority or having the
52 responsibility for the marketing or promotion of that natural
54 resource product or commodity must determine whether the use of
56 the brand, label or trademark is in the best interests of packers
58 and shippers of the product or commodity and must request that
60 the Commissioner of Agriculture, Food and Rural Resources permit
62 the use of the brand, label or trademark in accordance with rules
64 established for use by packers and shippers of farm products.
66 Grades and standards may be established by any method authorized
68 by law, or in the absence of any such authorization, a
70 rule-making proceeding, held jointly by the appropriate
72 department and the Department of Agriculture, Food and Rural
74 Resources which shall establish grades and standards to be used
76 as a condition precedent to the use of the brand, label or
78 trademark.

80 Sec. 2. 7 MRSA §443-B, sub-§§1 and 3, as enacted by PL 1987, c.
82 844, §1, are amended to read:

84 1. Registration of trademark. The Commissioner of
86 Agriculture, Food and Rural Resources shall, before December 31,
88 1988, apply to the United States Patent and Trademark Office for
90 registration for a certification trademark or trademarks

2 consisting of a seal in the form of the outline of the State, the
word "Maine" and any other appropriate identifying words. Any
4 certification trademark obtained may only be used on farm
products or other natural resource products and commodities, as
6 provided in section 443, produced within the State. Any
certification trademark obtained may be registered with the State
in accordance with Title 10, chapter 301-A.

8
3. **Quality grades and standards.** Any product bearing a
10 certification trademark obtained under this section shall meet
the official grades and standards established ~~by the commissioner~~
12 under in accordance with section 443 or other legal authority for
that commodity.

14 16 STATEMENT OF FACT

18
20 Current law authorizes the Commissioner of Agriculture, Food
and Rural Resources to design trademarks or designs for
22 identifying farm products packed in accordance with certain
official grades or standards. The blue, white and red Maine
24 Quality Seal is now in use for several agricultural commodities
and its use is also desired by several nonagricultural
26 commodities, such as lumber and bottled water. This bill would
provide the legal authority for natural resource-based
28 nonagricultural products to request the establishment of
standards and the use of the quality trademark. The
30 commissioners of the appropriate departments, such as
Conservation, Marine Resources, Inland Fisheries and Wildlife,
32 Economic and Community Development, would request that the
trademark or design be made available to the packers and shippers
34 of particular natural resource products and commodities. Grades
and standards could be established jointly between the
36 appropriate department and the Department of Agriculture, Food
and Rural Resources. Adherence to these grades and standards
38 would then be a condition to the use of the trademark as is now
the case with farm products.