

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

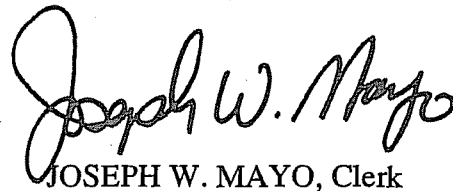
No. 788

H.P. 584

House of Representatives, March 4, 1993

An Act to Prevent Unauthorized Use of the Name Passamaquoddy.

Reference to the Committee on Business Legislation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27.
Cosponsored by Representatives: DRISCOLL of Calais, FARREN of Cherryfield, LOOK of Jonesboro, TOWNSEND of Eastport, Senators: LUDWIG of Aroostook, VOSE of Washington.

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

4 Sec. 1. 10 MRSA §1533 is enacted to read:

6 **§1533. Passamaquoddy trademark**

8 Notwithstanding any provisions of this chapter to the
10 contrary, the name "Passamaquoddy" is the trademark of the
12 Passamaquoddy Tribe and is entitled to all the protections of
14 this chapter without requirement for registration or renewal.
After December 31, 1993, a person may not use the name
"Passamaquoddy" for a commercial purpose, whether or not the name
was used before that date, without written authorization from the
Passamaquoddy Tribe granted after December 31, 1993.

16 **1. Extent of authorization.** Unless greater authority is
18 expressly granted by the Passamaquoddy Tribe, no authorization
extends:

20 **A.** To any business, product or service not disclosed to the
22 Passamaquoddy Tribe at the time of the request for
authorization; or

24 **B.** For a period longer than 10 years.

26 **2. Unfair trade practices.** Violation of this section is an
28 unfair trade practice and unlawful under Title 5, chapter 10.

30 **3. Remedies for infringement.** The State, the Passamaquoddy
32 Tribe or any tribal member may seek relief from violation of this
section pursuant to this chapter or pursuant to Title 5, chapter
10 at the election of the complainant.

34 **STATEMENT OF FACT**

36 This bill grants to the Passamaquoddy Tribe trademark
38 protection for the name "Passamaquoddy," requiring written
40 authorization from the Passamaquoddy Tribe for use of the name
42 for commercial purposes after December 31, 1993. Violation of
the provision is made enforceable under the Maine Unfair Trade
Practices Act.