

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 788

H.P. 567

House of Representatives, January 28, 1999

An Act to Clarify the Deceptive Trade Practices Act.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BRYANT of Dixfield.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: BERRY of Livermore, FOSTER of Gray, JODREY of Bethel, STANLEY of
Medway, Senator: BENOIT of Franklin.

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

Sec. 1. 10 MRSA §1212, sub-§1, as amended by PL 1973, c. 625, §53, is further amended to read:

1. **Lists.** A person engages in a deceptive trade practice when, in the course of his that person's business, vocation or occupation, he that person:

A. Passes off goods or services as those of another;

B. Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;

C. Causes likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;

D. Uses deceptive representations or designations of geographic origin in connection with goods or services unless a business name has been consistently used for 10 years without objection by any person;

E. Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation or connection that he that person does not have;

F. Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand;

G. Represents that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another;

H. Disparages the goods, services or business of another by false or misleading representation of fact;

I. Advertises goods or services with intent not to sell them as advertised;

J. Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

2 K. Makes false or misleading statements of fact concerning
the reasons for, existence of or amounts of, price
reductions; or

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6 L. Engages in any other conduct which that similarly
creates a likelihood of confusion or of misunderstanding.

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SUMMARY

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12 This bill clarifies that the use of a geographic location in
a business name not associated with that location is not a
deceptive trade practice if that business name has been used for
14 at least 10 years without objection by any person