

MAINE STATE LEGISLATURE

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No. 686

H.P. 517

House of Representatives, February 9, 2007

An Act To Ensure Truth in Music Advertising

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed:

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MAKAS of Lewiston.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: BEAUDETTE of Biddeford, Speaker CUMMINGS of Portland,
FAIRCLOTH of Bangor, HARLOW of Portland, MUSE of Fryeburg, ROSEN of Bucksport,
SAMSON of Auburn, SMITH of Monmouth.

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

2 **Sec. 1. 10 MRSA c. 202-E** is enacted to read:

3 **CHAPTER 202-E**

4 **TRUTH IN MUSIC ADVERTISING**

5 **§1156. Short title**

6 This chapter is known and may be cited as "the Truth in Music Advertising Act."

7 **§1157. Definitions**

8 As used in this chapter, unless the context otherwise indicates, the following terms
9 have the following meanings.

10 **1. Performing group.** "Performing group" means a vocal or instrumental group
11 seeking to use the name of another group that has previously released a commercial
12 sound recording under that name.

13 **2. Recording group.** "Recording group" means a vocal or instrumental group at
14 least one of whose members has previously released a commercial sound recording under
15 that group's name and in which the member has a legal right by virtue of use or operation
16 under the group name without having abandoned the name or affiliation with the group.

17 **3. Sound recording.** "Sound recording" means a work that results from the fixation
18 on a material object of a series of musical, spoken or other sounds regardless of the nature
19 of the material object, such as a disc, tape or other phonorecord, in which the sounds are
20 embodied.

21 **§1158. Production**

22 A person may not advertise or conduct a live musical performance or production in
23 this State through the use of a false, deceptive or misleading affiliation, connection or
24 association between a performing group and a recording group unless:

25 **1. Authorized; federal service mark.** The performing group is the authorized
26 registrant and owner of a federal service mark for that group registered in the United
27 States Patent and Trademark Office;

28 **2. Legal right.** At least one member of the performing group was a member of the
29 recording group and has a legal right by virtue of use or operation under the group name
30 without having abandoned the name or affiliation with the group;

31 **3. Salute or tribute.** The live musical performance or production is identified in all
32 advertising and promotion as a salute or tribute and the name of the performing group is
33 not so closely related or similar to the name used by the recording group that it would
34 tend to confuse or mislead the public; and

