

MAINE STATE LEGISLATURE

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L.D. 118

Date: 5/28/13

(Filing No. H-255)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 100, L.D. 118, Bill, "An Act To Ensure the Authenticity of Items Reported To Have Been Crafted by Native Americans"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 10 MRSA c. 228 is enacted to read:

CHAPTER 228

SALE OF INDIAN ARTS AND CRAFTS PRODUCTS

§1500-G. Unlawful acts; deceptive trade practice

1. False representation of authentic Indian products. A person may not offer or display for sale or sell a good in a manner that falsely suggests it is Indian-produced, an Indian product or the product of a particular Indian or Indian tribe or Indian arts and crafts organization in a manner that violates 25 United States Code, Section 305e.

2. Unfair trade practice. A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10. An action brought under this chapter by the Office of the Attorney General may not preclude a person from bringing a civil action to obtain injunctive or equitable relief or damages under 25 United States Code, Section 305e.'

SUMMARY

This amendment replaces the bill and establishes that a violation of the federal law pertaining to misrepresentation of Indian products is also a violation of the Maine Unfair Trade Practices Act, which is enforceable by the Office of the Attorney General. It also

COMMITTEE AMENDMENT

1 establishes that an action brought by the Office of the Attorney General to enforce these
2 provisions does not prevent a person from bringing a civil action to obtain injunctive or
3 equitable relief or damages under the Federal Indian Arts and Crafts Act of 1990.

4

FISCAL NOTE REQUIRED

5

(See attached)



126th MAINE LEGISLATURE

LD 118

LR 188(02)

An Act To Ensure the Authenticity of Items Reported To Have Been Crafted by Native Americans

Fiscal Note for Bill as Amended by Committee Amendment *A(H-255)*
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.