

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 75

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT to protect benevolent, humane, fraternal or charitable corporations or organizations in the use of their names and emblems and providing penalties for the violation thereof.

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

Section 1. No person, society, association or corporation
2 shall assume, adopt, or use the name of a benevolent, hu-
3 mane, fraternal or charitable organization, incorporated
4 under the laws of this State, or any other state, or of the
5 United States, or holding its charter or warrant under some
6 recognized supreme grand body having authority to issue
7 the same, or a name so nearly resembling the name of such
8 incorporated or chartered organization as to be a colorable
9 imitation thereof, or calculated to deceive persons not mem-

10 bers, with respect to such organization. In all cases where
11 two or more of such societies, associations, corporations or
12 organizations claim the right to the same name, or to names
13 substantially similar as above provided, the organization
14 which was first organized and used the name, or first became
15 incorporated under the laws of the United States or of any
16 state of the Union, shall be entitled in this State to the prior
17 and exclusive use of such name, and the rights of such soci-
18 eties, associations, corporations or organizations, and of their
19 individual members shall be fixed and determined accord-
20 ingly.

Sect. 2. No person shall wear or exhibit the badge, button,
2 emblem, decoration, insignia, or charm, or shall assume or
3 use the name of any benevolent, humane, fraternal or chari-
4 table corporation, incorporated under the laws of this State,
5 or any other state, or of the United States, or holding its
6 charter or warrant under some recognized supreme grand
7 body having authority to issue the same, or shall assume
8 or claim to be a member thereof, or of a benevolent, human,
9 fraternal or charitable corporation or organization, the name
10 of which shall so nearly resemble the name of any other
11 corporation or organization existing prior to the organiza-
12 tion of the corporation, organization or association of which
13 such person may claim to be a member, the name whereof
14 may be calculated to deceive the people with respect to any
15 such prior corporation or organization, unless he shall be
16 authorized under the laws, statutes, rules, regulations and

17 by-laws of such former corporation or organization to wear
18 such badge, button, emblem, decoration, insignia, or charm,
19 or to use and assume such name as a member thereof.

Sect. 3. Whenever there shall be an actual or threatened
2 violation of the above act, an application may be made to
3 the court or judge having jurisdiction, to issue an injunction
4 upon notice to the defendant of not less than five days, for
5 an injunction so restraining such actual or threatened vio-
6 lation, or if it shall appear to such court or justice that the
7 defendant is in fact using the name of a benevolent, humane,
8 fraternal or charitable corporation or organization, incor-
9 porated or organized as aforesaid, or a name so nearly re-
10 sembling it as to be calculated to deceive the public, or is
11 wearing or exhibiting the badge, insignia, or emblem of
12 such corporation or organization without authority thereof,
13 and in violation of the above act, an injunction may be issued
14 by said court or justice, enjoining or restraining such actual
15 or threatened violation, without requiring proof that any
16 person has in fact been misled or deceived thereby.

Sect. 4. Any person violating the provisions of Section 1
2 or 2 of this act shall be deemed guilty of a misdemeanor,
3 and upon conviction thereof, fined not exceeding fifty dol-
4 lars, or imprisoned in the county jail not exceeding thirty
5 days, or both such fine and imprisonment.

STATE OF MAINE.

IN SENATE,

January 28, 1909.

Reported by Mr. GOWELL from Committee on Legal Affairs
and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.