

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

with a certificate under the hands of the assessors, stating that they were omitted, and that the powers in their previous warrant, naming the date of it, are extended thereto; and the collector has the same power, and is under the same obligations to collect them, as if they had been contained in the original list; and all assessments shall be valid, notwithstanding that by such supplement the whole amount exceeds the sum to be assessed by more than five per cent, or alters the proportion of tax allowed by law to be assessed on the polls.'

Approved February 9, 1909.

Chapter 6.

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:

Protection of certain corporations or organizations in use of names and emblems.

Section 1. No person, society, association or corporation shall assume, adopt, or use the name of a benevolent, humane, fraternal or charitable organization, incorporated under the laws of this State, or any other state, or of the United States, or holding its charter or warrant under some recognized supreme grand body having authority to issue the same or a name so nearly resembling the name of such incorporated or chartered organization as to be a colorable imitation thereof, or calculated to deceive persons not members, with respect to such organization. In all cases where two or more of such societies, associations, corporations or organizations claim the right to the same name, or to names substantially similar as above provided, the organization which was first organized and used the name, or first became incorporated under the laws of the United States or of any state of the union, shall be entitled in this state to the prior and exclusive use of such name, and the rights of such societies, associations, corporations or organizations and of their individual members shall be fixed and determined accordingly.

—prior and exclusive use of names.

Badge, button, emblem, decoration, etc., not to be worn, or name assumed, without authority.

Section 2. No person shall wear or exhibit the badge, button, emblem, decoration, insignia, or charm, or shall assume or use the name of any benevolent, humane, fraternal or charitable corporation, incorporated under the laws of this state, or any other state, or of the United States, or holding its charter or warrant under some recognized supreme grand body having authority to issue the same, or shall assume or

claim to be a member thereof, or of a benevolent, humane, fraternal or charitable corporation or organization, the name of which shall so nearly resemble the name of any other corporation or organization existing prior to the organization of the corporation, organization or association of which such person may claim to be a member, the name whereof may be calculated to deceive the people with respect to any such prior corporation or organization, unless he shall be authorized under the laws, statutes, rules, regulations and by-laws of such former corporation or organization to wear such badge, button, emblem, decoration, insignia, or charm, or to use and assume such name as a member thereof.

Section 3. Whenever there shall be an actual or threatened violation of the above act, an application may be made to the court or judge having jurisdiction, to issue an injunction upon notice to the defendant of not less than five days, for an injunction so restraining such actual or threatened violation, or if it shall appear to such court or justice that the defendant is in fact using the name of a benevolent, humane, fraternal or charitable corporation or organization, incorporated or organized as aforesaid, or a name so nearly resembling it as to be calculated to deceive the public, or is wearing or exhibiting the badge, insignia, or emblem of such corporation or organization without authority thereof, and in violation of the above act, an injunction may be issued by said court or justice, enjoining or restraining such actual or threatened violation, without requiring proof that any person has in fact been misled or deceived thereby.

Court may issue injunction restraining violation of this act.

Section 4. Any person violating the provisions of section one or two of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, fined not exceeding fifty dollars, or imprisoned in the county jail not exceeding thirty days, or both such fine and imprisonment.

Penalty for violating sections 1 or 2 of this act.

Approved February 10, 1909.

Chapter 7.

An Act setting apart Lincoln Day, February twelfth, nineteen hundred and nine, as a Holiday.

Whereas, the President of the United States has recommended that February twelfth, nineteen hundred and nine, the one-hundredth anniversary of the birth of Abraham Lincoln, be