

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1661

H. P. 1418

House of Representatives, April 14, 1977

Referred to Committee on Human Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Talbot of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Prohibit the Use of Offensive Names for Geographic Features
and Other Places Within the State of Maine.**

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

Sec. 1. 1 MRSA c. 27 is enacted to read:

CHAPTER 27

NAMES OF PLACES

§ 1101. Definitions

For the purposes of this section, unless the context indicates otherwise, the following words shall have the following meanings:

1. Offensive name. "Offensive name" means a name of a place which causes resentful displeasure to and which is repugnant to the moral sense of a group of persons, and which has a connotation of prejudice based on race, color, sex, religion, ancestry or national origin.

2. Place. "Place" means any natural geographic feature or any street, alley or other road within the jurisdiction of the State, or political subdivision of the State.

§ 1102. Offensive names prohibited

No place in the State shall have or be given an offensive name.

§ 1103. Complaint filed

Any person who believes that a place has an offensive name may file a complaint with the Maine Human Rights Commission. Any such complaint filed

with this commission shall be subject to the provisions included in Title 5, section 4632.

§ 1104. Responsibility of municipal officers and county commissioners

The municipal officers of the municipality or the county commissioners responsible for the unorganized territory, in which a place is found pursuant to Title 5, section 4632, to have an offensive name, shall have the following responsibilities:

1. Reasonable actions. They shall take whatever reasonable actions are required to complete a change in the offensive name.
2. Notification. They shall notify the Commissioner of Conservation, the Secretary of the United States Department of the Interior and other public agencies, boards, committees or other groups responsible for changing names of places and for ensuring that such name changes appear on maps and other public documents.

Sec. 2. 5 MRSA § 4611, as repealed and replaced by PL 1975, c. 770, § 42, is amended by adding at the end a new sentence to read:

In addition, any person may file a complaint pursuant to section 4632.

Sec. 3. 5 MRSA § 4632 is enacted to read:

§ 4632. Offensive names

1. Complaint. Any person, including any employee of the commission, may file a complaint with the commission which states the belief that a name of a place is offensive, as defined in Title 1, section 1101.
2. Preliminary investigation. Upon receipt of such a complaint, the complaint, the commission or its delegated single commissioner or investigator shall conduct a brief preliminary investigation as it deems necessary to determine whether the name of the place is offensive.
3. Order of dismissal. If the commission finds that the place does not have an offensive name, it shall enter an order so finding, and shall dismiss the proceeding.
4. Agreement. If the commission finds that the place does have an offensive name, it shall endeavor to accomplish a change in the name by an agreement with the municipal officers or county commissioners to initiate and implement the actions required to change the name, as provided in Title 1, section 1104.
5. Civil action by commission. If the commission is unable to obtain an agreement under subsection 4 or if the agreement is not carried out, the commission shall file in the Superior Court a civil action seeking such relief as is appropriate.
6. Procedure in Superior Court. Any action filed by the commission pursuant to subsection 5 shall be heard by the Superior Court and shall be subject to the following provisions:

A. The court shall hear the case and grant relief as in other civil actions for injunctions.

B. Any such action shall be brought in the name of the commission.

C. Any person aggrieved by the alleged offensive name may intervene in such an action.

D. In no such action brought by the commission shall any injunction bond be required; nor shall damages be assessed for the wrongful issuance of an injunction.

E. If the court finds that a place has an offensive name, its judgment shall specify an appropriate remedy. Such remedy shall include an order requiring the municipal officers or county commissioners:

(1) To initiate procedures, which may be described in the order, for changing the name of the place, and

(2) To have completed the change of name and the notification as required in Title 1, section 1104, within 90 days of the issuance of the order.

Sec. 4. **Name change required.** Niggerhead Island, located in Stonington, Hancock County, and owned by Freeborn G. Jewett of Lyme, Connecticut, is hereby renamed Sprout Island. The municipal officers of Stonington shall, within 30 days of the effective date of this Act, notify Freeborn G. Jewett and the Maine Commissioner of Conservation, the Secretary of the United States Department of the Interior and other public agencies, boards, committees or other groups responsible for changing names of places and for ensuring that such name changes appear on maps and other public documents, that the name of this island has been changed to Sprout Island.

STATEMENT OF FACT

The purpose of this bill is to prohibit the use of offensive names for geographic features, for street and roads, and for political subdivisions of the State. The intent of the bill is not to prohibit the use of odd or peculiar names. Names are considered offensive only if they reflect prejudice based on race, color, sex, religion, ancestry or national origin.

The municipal officers of the municipality or the county commissioners responsible for the unorganized territory in which an offensive name is found are responsible for taking actions to change the name.

The Maine Human Rights Commission is required to follow up on complaints about offensive names. The procedures are roughly equivalent to those followed by the commission in cases of discrimination.