

CHAPTER 305**POTATOES****§1601. Trademarks**

In order to better carry out the objectives of the Potato Tax Law, the Maine Potato Commission may develop and register trademarks. The Commissioner of Agriculture, Conservation and Forestry may delegate to the Maine Potato Commission the authority to regulate the use of the State of Maine trademark when used in packaging potatoes, both fresh and processed. [RR 2009, c. 2, §19 (COR); PL 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY

RR 2009, c. 2, §19 (COR). PL 2011, c. 657, Pt. W, §6 (REV).

§1602. Licenses

1. Unlawful use of trademark. After establishment by rules adopted in a manner consistent with the Maine Administrative Procedure Act of a trademark by the commission, a person may not use the trademark without first securing a permit or license from the Maine Potato Commission.

[PL 2003, c. 452, Pt. E, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not more than \$50 may be adjudged. [PL 2017, c. 475, Pt. A, §15 (AMD).]

B. A person who violates this section after having previously violated this section commits a civil violation for which a fine of not more than \$200 may be adjudged. [PL 2003, c. 452, Pt. E, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2017, c. 475, Pt. A, §15 (AMD).]

3. Additional remedies. The Maine Potato Commission or a duly authorized representative may recover penalties imposed for violation of this section in a civil action brought in the name of the commission, and if it prevails in such action may recover full costs; or the commission may prosecute for violations of this section by complaint or indictment. The District Court and the Superior Court have concurrent jurisdiction of actions brought for the recovery of penalties imposed by this section and of prosecutions for violations thereof.

[PL 2003, c. 452, Pt. E, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1977, c. 694, §166 (AMD). PL 2003, c. 452, §E1 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2017, c. 475, Pt. A, §15 (AMD).

§1603. Price

The Maine Potato Commission shall have the authority to set prices on trademarked potatoes sold by licensed shippers or processors.

§1604. Buying and selling

In order to promote the prosperity of this State and of the potato industry by fostering and promoting better methods of production, processing, merchandising and advertising, the Maine Potato Commission shall have the authority to buy and sell potatoes or processed potato products.

§1605. Rules and regulations; contract

The Maine Potato Commission may prescribe rules and regulations for carrying out the purposes of this chapter, and may issue licenses to shippers or processors who shall enter into a contract with the commission and agree to abide by the rules and regulations. The commission may charge a fee on a per package or per hundred-weight basis for the use of trademarks established by the commission or of the State of Maine trademark used on potatoes, fresh or processed. The commission shall reserve the right to cancel any license for failure to abide by the rules and regulations of the commission, or for breach of the terms of any contract entered into with the commission; and the commission shall have the right to cancel all outstanding licenses at any time that the commission deems such action necessary to the best interest of the potato industry as a whole. The commission shall have the right to grant an exclusive license for the use of such trademarks to a single co-operative which shall, by contract with the commission, be empowered to issue licenses to shippers and processors on such terms and conditions as the commission may require.

§1606. Enforcement; jurisdiction

(REPEALED)

SECTION HISTORY

PL 2003, c. 452, §E2 (RP). PL 2003, c. 452, §X2 (AFF).

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