

§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).

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