



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1377

H.P. 956

House of Representatives, April 11, 2017

An Act To Prohibit Posing as a Governmental Entity in Commerce

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DUNPHY of Old Town.
Cosponsored by Senator WHITTEMORE of Somerset and
Representatives: FECTIONEAU of Biddeford, GUERIN of Glenburn, MASTRACCIO of Sanford,
MOONEN of Portland, SCHNECK of Bangor, SHERMAN of Hodgdon, SKOLFIELD of
Weld, SYLVESTER of Portland.

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

2 **Sec. 1. 10 MRSA c. 229** is enacted to read:

3 **CHAPTER 229**

4 **POSING AS A GOVERNMENTAL ENTITY OR AGENT IN COMMERCE**

5 **§1500-H. Posing as a governmental entity or agent in commerce**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Governmental entity" means a unit, subdivision or entity of the Federal
9 Government, the State, a county, a municipality or another state, including an agency,
10 department, board, commission, bureau, division or military or public safety
11 organization.

12 **2. False representation of posing as a governmental entity or agent in**
13 **commerce.** A person who is not an official, agent or representative of a governmental
14 entity or who does not have express approval of a governmental entity may not in
15 commerce:

16 A. Represent, imply or otherwise cause a likelihood of confusion that the person is
17 an official, agent or representative of a governmental entity in the sale, advertising for
18 sale, marketing, offering, distribution or solicitation of any goods or services;

19 B. Simulate a summons, complaint, jury notice, tax form or other judicial or
20 administrative process or make an untrue statement that any good, service,
21 advertisement or offer was sent or distributed by or has been approved, authorized or
22 endorsed in whole or in part by a governmental entity;

23 C. Use language or a symbol, logo, representation, statement, title, name, seal,
24 emblem, insignia, trade or brand name, business or control tracking number, website,
25 e-mail address or any other term or content that falsely represents or implies or
26 otherwise causes a likelihood of confusion that any goods, services, advertisement or
27 offer is from a governmental entity; or

28 D. Offer a document that is available free of charge or at a lesser price from a
29 governmental entity without displaying the following notice on the front or outside of
30 the mailing envelope, at the top of the e-mail message, on each website page or on
31 the top of each page of any advertisement containing the offer. The notice must be in
32 the largest type that appears in the offer or advertisement for the document, but no
33 less than 14-point black type:

34 **"IMPORTANT NOTICE**

35 The documents offered are available to Maine consumers free of charge or for a
36 lesser price from (insert name, telephone number, website and mailing address of the
37 applicable governmental entity). You are NOT required to purchase anything from
38 this company, and this company is NOT affiliated, endorsed or approved by any
39 governmental agency. The item offered has NOT been approved or endorsed by any

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governmental agency, and this offer is NOT being made by an agency of the government."

3. Unfair trade practice. A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10.

SUMMARY

This bill makes an untrue representation by a person that the person is an official, agent or representative of a governmental entity in the advertisement, offer, sale or distribution of goods or services or that the goods or services are from or approved, authorized or endorsed by a governmental entity a violation of the Maine Unfair Trade Practices Act. The bill also provides that it is a violation of that Act for a person who is not an official, agent or representative of a governmental entity to simulate a summons, complaint, jury notice, tax form or other judicial or administrative process. The bill also requires a notice be placed on every offer of the sale of a governmental document that can be obtained from the applicable governmental entity for free or at a lesser charge informing the consumer and providing the contact information of the governmental entity.