**§1212. Deceptive trade practices**

**1. Lists.**  A person engages in a deceptive trade practice when, in the course of the person's business, vocation or occupation, the person:

A. Passes off goods or services as those of another; [PL 1969, c. 503 (NEW).]

B. Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services; [PL 1969, c. 503 (NEW).]

C. Causes likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another; [PL 1969, c. 503 (NEW).]

D. Uses deceptive representations or designations of geographic origin in connection with goods or services; [PL 1969, c. 503 (NEW).]

E. Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation or connection that the person does not have; [RR 2023, c. 2, Pt. C, §24 (COR).]

F. Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand; [PL 1973, c. 625, §53 (AMD).]

G. Represents that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another; [PL 1969, c. 503 (NEW).]

H. Disparages the goods, services or business of another by false or misleading representation of fact; [PL 1969, c. 503 (NEW).]

I. Advertises goods or services with intent not to sell them as advertised; [PL 1969, c. 503 (NEW).]

J. Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity; [PL 1969, c. 503 (NEW).]

K. Makes false or misleading statements of fact concerning the reasons for, existence of or amounts of, price reductions; or [PL 1969, c. 503 (NEW).]

L. Engages in any other conduct that similarly creates a likelihood of confusion or of misunderstanding. [RR 2023, c. 2, Pt. C, §24 (COR).]

[RR 2023, c. 2, Pt. C, §24 (COR).]

**2. Complaint.**  In order to prevail in an action under this chapter, a complainant need not prove competition between the parties or actual confusion or misunderstanding.

[PL 1969, c. 503 (NEW).]

**3. Application.**  This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this State.

[PL 1969, c. 503 (NEW).]

SECTION HISTORY

PL 1969, c. 503 (NEW). PL 1973, c. 625, §53 (AMD). RR 2023, c. 2, Pt. C, §24 (COR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.