

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1375

H. P. 943

House of Representatives, March 7, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Danton of Old Orchard Beach.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to the Protection of Trade Secrets.

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

R. S., T. 17, § 2113, additional. Title 17 of the Revised Statutes is amended by adding a new section 2113, to read as follows:

§ 2113. Theft of trade secrets

1. Definitions. For the purposes of this section:

A. The word "article" means any object, material, device or substance or copy thereof, including any writing, record, recording, drawing, description, sample, specimen, prototype, model, photograph, micro-organism, blueprint or map.

B. The word "representing" means describing, depicting, containing, constituting, reflecting or recording.

C. The term "trade secret" means the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is of value and has been specifically identified by the owner as of a confidential character, and which has not been published or otherwise become a matter of general public knowledge. There shall be a rebuttable presumption that scientific or technical information has not been published or otherwise become a matter of general public knowledge when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by him to have access thereto for limited purposes.

D. The word "copy" means any facsimile, replica, photograph or reproduction of, an article, or any note, drawing, sketch or description made of, or from an article.

2. **Violations.** Whoever, with intent to wrongfully deprive of, or withhold from, the owner the control of a trade secret, or with intent to wrongfully appropriate a trade secret for his use, or for the use of another:

A. Unlawfully obtains possession of, or access to, an article representing a trade secret; or

B. Having lawfully obtained possession of an article representing a trade secret, or access thereto, converts such article to his own use or that of another person, while having possession thereof or access thereto makes, or causes to be made, a copy of such article, or exhibits such article to another, is guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 2 years, or by both.

3. **Force.** Whoever

A. By force or violence or by putting him in fear takes from the person of another any article representing a trade secret; or

B. Willfully and maliciously enters any building or other structure with intent to obtain unlawful possession of, or access to, an article representing a trade secret,

is guilty of a felony and upon conviction thereof shall be punished by a fine of \$500, or by imprisonment for not more than 5 years, or by both.

4. **Application.** The crime or crimes defined in subsections 2 and 3 shall be deemed complete without regard to the further disposition, return or intent to return, of the article representing a trade secret.

5. **Defense.** It shall be a complete defense to any prosecution under subsection 2 for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret.