

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 352

S. P. 96

In Senate, January 23, 1975

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances.

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

10 MRSA, c. 208, is enacted to read:

CHAPTER 208

UNLAWFUL COPYING

§ 1261. Transfer of recorded sounds for unlawful use; sale

Whoever knowingly and willfully transfers or causes to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with intent to sell or cause to be sold, or to use or cause to be used for profit through public performance, such article on which such sounds are so transferred, without the consent of the owner, or sells any such article with the knowledge that the sounds thereon have been so transferred without the consent of the owner shall be punished by a fine of not less than \$50 nor more than \$500 for each such offense.

As used in this section, "person" means any individual, partnership, corporation or association; and "owner" means the person who owns the master phonograph record, master disc, master tape, master file or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded, and from which the transferred recorded sounds are directly or indirectly derived.

This section shall neither enlarge nor diminish the civil remedies of the State or of parties injured by practices prohibited by this section.

This section does not apply to any person engaged in radio or television broadcasting who transfers, or causes to be transferred, any such sounds, other than from the sound track of a motion picture, intended for, or in connection with, broadcast transmission or related uses or for archival purposes.

STATEMENT OF FACT

Tape and record piracy — i.e., the unauthorized duplication for resale of recorded musical performances — is a problem of substantial proportions in the recording industry. While the production of master performances is a complex and expensive endeavor, the transfer of performances once recorded onto additional tapes is relatively easy and inexpensive. By making and selling unauthorized duplicates of recorded performances without bearing any of the costs of creating and recording the original performances, pirates are able to undersell the recordings produced by legitimate companies and still make large profits.