

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 855

S. P. 269

In Senate, March 4, 1975

Reported by Senator Thomas of Kennebec from Committee on Business
Legislation and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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

1. Transfers. Every person who 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, shall be punished by a fine of not less than \$500 nor more than \$5,000 for each such offense.

2. Advertising and sale. Every person who advertises, offers for sale or sells any article described in subsection 1 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.

3. Definition of person and owner. 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.

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

5. Application. This section does not apply to any person engaged in radio or television broadcasting who transfers or causes to be transferred any recorded sounds as described in subsection 1, 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. This section does not apply to any person who transfers or causes to be transferred any recorded sounds as described in subsection 1 for private use and with no purpose of capitalizing commercially on such reproduction.

STATEMENT OF FACT

The purpose of the original bill was to make unlawful the unauthorized duplication for resale of recorded musical performances. Such resale deprives composers, artists and record companies of their royalties. The purpose of the new draft is to make a distinction in the penalties to be imposed on the makers of the reproductions and the retail sellers, and to add a specific exemption for reproduction for private use.