

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1011, L.D. 1479, Bill, "An Act to Protect the Copyright and Ownership Rights of Maine Artists"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Contracts for the Duplication of Works of Art'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 27 MRSA §304 is enacted to read:

§304. Contracts to duplicate works of art

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

A. "Customer" means a person who enters into an agreement to have a printer duplicate a work of art. "Customer" includes the State.

B. "Duplicate" means to print, copy or otherwise reproduce in any medium, including an electronic medium.

C. "Printer" means a person who enters into an agreement to duplicate a work of art for a customer.

D. "Work of art" means an original work of authorship fixed in a tangible medium of expression from which the work can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device. "Work of

2 art" includes works of literature, music, drama, pantomime,
3 choreography, architecture or sculpture; pictorial and
4 graphic works; motion pictures and other audiovisual works;
5 and sound recordings.

6 2. Signed statement. A printer may not enter into an
7 agreement with a customer to duplicate a work of art when that
8 customer's aggregate obligations to that printer for all prior or
9 current duplications of that work of art exceed \$1,000 unless the
10 printer obtains, at the time the aggregate obligation first
11 exceeds \$1,000, a signed statement from the customer attesting
12 that the customer has legal rights authorizing the duplication or
13 that those rights have passed into the public domain pursuant to
14 federal copyright laws.

15 3. Violation. A printer who enters into an agreement for
16 the duplication of a work of art without a signed statement as
17 required in subsection 2 is guilty of a Class E crime. A
18 customer who intentionally falsifies a statement and provides the
19 statement to a printer to satisfy the conditions of subsection 2
20 commits a Class D crime.

21 4. Application. This section does not apply to an
22 agreement to publish an advertisement in a newspaper that is
23 issued at least once each week.

28 FISCAL NOTE

29 This bill establishes new Class E and Class D crimes. The
30 additional workload, administrative costs and indigent defense
31 costs associated with the minimal number of new cases filed in
32 the court system will be absorbed within the budgeted resources
33 of the Judicial Department.

34 Sentences imposed for Class D and Class E offenses must be
35 served in a county jail facility. The additional costs to the
36 counties for housing each person sentenced under these new crimes
37 represent a state mandate, which must be reimbursed pursuant to
38 the Maine Revised Statutes, Title 30-A, section 5684. The
39 General Fund appropriations required to reimburse these costs can
40 not be estimated at this time.

41 The cost per sentence for a Class D crime is \$7,140 based
42 upon an average length of stay of 119 days. The cost per
43 sentence for a Class E crime is \$4,020 based upon an average
44 length of stay of 67 days.'

2

4

STATEMENT OF FACT

6

This amendment deletes provisions of the bill regarding the ownership rights and copy rights of artists in works of art, since those rights are dealt with by federal copyright laws.

8

10

The provision of the bill prohibiting printers from copying works of art without an affidavit from the customer is amended to require only a signed statement from the customer, not an affidavit. Under the amendment, a customer who intentionally falsifies a signed statement commits a Class D crime. This is a more serious crime than that provided for in the bill, but the customer only commits the crime if the customer intentionally provides false information. The definition of "work of art" is also clarified. Finally, the amendment adds a fiscal note to the bill.

12

14

16

18

20

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the
House
2/12/92

(Filing No. H-921)