

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 44

S.P. 30

In Senate, January 6, 1999

**An Act to Clarify Laws Relating to the Acceptance of Gifts of  
Intellectual and Other Property by the State.**

(EMERGENCY)

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KONTOS of Cumberland.  
Cosponsored by Representative O'BRIEN of Augusta and  
Senators: BENNETT of Oxford, LAWRENCE of York, PINGREE of Knox, Representatives:  
CAMPBELL of Holden, MURPHY of Kennebunk, ROWE of Portland, SAXL of Portland.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

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6           Whereas, the Legislature has been offered the gift of the  
copyright in a video about the legislative process, which will be  
available immediately; and

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10           Whereas, the Legislature must immediately accept the gift in  
order to be able to effectively administer and protect the  
copyright in the work; and

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14           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

22           **Sec. 1. 2 MRSA §5,** as amended by PL 1981, c. 53, is further  
amended to read:

24           **§5. Acceptance of gifts**

26           The Governor is authorized to accept in the name of the  
State any and all gifts, bequests, grants or conveyances to the  
28 State of Maine.

30           No other state official or any member of any other branch of  
State Government may accept any gift, grant or conveyance to the  
32 State or to that branch of government, with a value greater than  
\$50, unless specifically authorized to do so by statute law or by  
34 clear implication of statute law, or unless empowered to do so by  
the Governor.

36           **Sec. 2. 3 MRSA §162, sub-§16-A** is enacted to read:

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40           16-A. Intellectual property. To use, manage or administer  
on behalf of the Legislature any copyright held by the  
Legislature or license to use copyrighted materials and to manage  
42 the copying, use and dissemination of copies of copyrighted  
materials in which the Legislature holds the copyright or a  
44 license;

46           **Sec. 3. Acceptance of copyright in video production on legislative**  
**process.** The Legislature acknowledges and accepts the gift to the  
48 Legislature of the copyright in a video concerning the Maine  
legislative process titled "Person to Person: Legislating Maine"  
50 produced in 1998 by the Spring Point Media Center of Southern  
Maine Technical College.

2           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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## SUMMARY

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This bill does the following:

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1. Clarifies the law regarding acceptance of gifts to the State or to any branch of State Government by an entity other than the Governor;

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2. Expressly provides that the Legislative Council may use or administer on behalf of the Legislature a copyright in or license to use copyrighted materials related to the Legislature or the legislative process; and

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3. Acknowledges and accepts the gift to the Legislature of the copyright in a video concerning the Maine legislative process.

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