

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2396

H.P. 1690

House of Representatives, January 10, 2000

An Act to Create a Patent Program in Maine.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SIROIS of Caribou.
Cosponsored by Senator KONTOS of Cumberland and
Representatives: BOLDUC of Auburn, CAMPBELL of Holden, KNEELAND of Easton,
O'NEAL of Limestone, SHOREY of Calais, TRIPP of Topsham, USHER of Westbrook,
Senator: KIEFFER of Aroostook.

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

4 Sec. 1. 10 MRSA c. 317 is enacted to read:

6 CHAPTER 317

8 MAINE PATENT PROGRAM

10 §1921. Maine Patent Program

12 The Maine Patent Program, referred to in this chapter as the
14 "program," is administered by the Secretary of State. The
16 program's purpose is to support the commercialization and
18 manufacturing of innovations in the State by providing education
20 and assistance with the patent process of the United States
22 Patent and Trademark Office to companies, inventors and
24 entrepreneurs in the State.

26 1. Program components. The program must:

28 A. Provide at least 4 workshops each year on general topics
30 concerning the patent process of the United States Patent
32 and Trademark Office;

34 B. Provide at least 4 workshops each year on focused topics
36 and specific training concerning the patent process of the
38 United States Patent and Trademark Office;

40 C. Conduct innovation screening of 50 to 100 preliminary
42 potential patent applications and patent searches on 25 to
44 50 potential patent applications each year;

46 D. Prepare 10 to 20 patent applications per year;

48 E. Provide licensing assistance;

50 F. Provide assistance with patent renewals; and

G. Provide other assistance concerning the patent process
of the United States Patent and Trademark Office as needed.

2. Applicant's costs and duties. An applicant accepted by
the program shall pay the costs of the patent search and opinion
and for patent prosecution if the final product is manufactured
or licensed out of state. An applicant shall pay to the program
a reasonable percentage of the royalties for any successful
innovation patented through the program.

3. Staffing. The Secretary of State shall hire a director
for the program. The director must be a professional who:

- 2 A. Is a registered patent attorney or patent agent;
- 4 B. Has experience in commercialization, such as working as
6 an in-house patent professional for a large company or an
 academic or nonprofit technology transfer operation;
- 8 C. Has relevant experience working directly with
 manufacturers;
- 10 D. Has relevant experience working directly with
12 entrepreneurial startups;
- 14 E. Has relevant experience working directly with
 independent inventors;
- 16 F. Has experience with equity and royalty offerings;
- 18 G. Has experience with successful licensing; and
- 20 H. Has experience in educating the general public through
22 workshops, seminars and continuing education courses.

24 4. Fund. The Maine Patent Fund, referred to in this
26 chapter as the "fund," is established as a revolving, nonlapsing
 fund to supplement the Maine Patent Program. All money from
28 royalties received from applicants pursuant to this chapter must
 be credited to the fund. Money in the fund not currently needed
30 to meet expenses of the program must be deposited with the
 Treasurer of State to the credit of the fund and may be invested
32 as provided by law. Interest on these investments must be
 credited to the fund. Money in the fund may only be expended in
34 accordance with allocations approved by the Legislature.

36 5. Rulemaking. The Secretary of State may adopt routine,
 technical rules pursuant to Title 5, chapter 375, subchapter II-A
38 to carry out the purposes of this chapter.

40 **Sec. 2. Appropriation.** The following funds are appropriated
 from the General Fund to carry out the purposes of this Act.

42 **2000-01**

44 **SECRETARY OF STATE, DEPARTMENT OF THE**

46 **Maine Patent Program**

48	Positions - Legislative Count	(1,000)
	Personal Services	\$50,226

2	All Other	49,774
4	Provides funds for one Director position and related operational costs, as well as funds to conduct workshops and provide technical assistance to help state inventors.	
6		
8	DEPARTMENT OF THE SECRETARY OF STATE	
10	TOTAL	\$100,000

12 **SUMMARY**

14 This bill creates the Maine Patent Program to assist Maine
 16 companies, inventors and entrepreneurs in the patent process.
 18 The Maine Patent Program receives a percentage of royalties from any successful innovation patented through the program, with the money deposited in a fund to help pay the program's expenses.