

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
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AS PASSED BY THE
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Sec. 2. R. S., T. 22, § 2436, amended. The 2nd paragraph of section 2436 of Title 22 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 22, § 2436, amended. Section 2436 of Title 22 of the Revised Statutes is amended by adding at the end the following new sentence:

Nothing in this section shall be construed to limit in any way any private and special law granting a water utility or municipality greater controls for protecting its source of public water supply than those set forth in this section.

Effective October 7, 1967

Chapter 342

AN ACT to Classify the Waters of First Pond (Billings Pond) in Blue Hill, Hancock County.

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

Sec. 1. R. S., T. 38, § 371, sub-§ 9, amended. Subsection 9 of section 371 of Title 38 of the Revised Statutes is amended to read as follows:

9. ~~First Pond and~~ Second Pond in the Town of Blue Hill in Hancock County — Unclassified.

Sec. 2. **Effective date.** This Act shall become effective July 1, 1969.

Effective July 1, 1969

Chapter 343

AN ACT Relating to the Protection of Trade Secrets.

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

R. S., T. 17, § 2113, additional. Title 17 of the Revised Statutes is amended by adding a new section 2113, to read as follows:

§ 2113. Theft of trade secrets

1. **Definitions.** For the purposes of this section:

A. The word "article" means any object, material, device or substance or copy thereof, including any writing, record, recording, drawing, description, sample, specimen, prototype, model, photograph, micro-organism, blueprint or map.

B. The word "representing" means describing, depicting, containing, constituting, reflecting or recording.

C. The term "trade secret" means the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is of value and has been specifically identified by the owner as of a confidential character, and which has not been published or otherwise become a matter of general public knowledge. There shall be a rebuttable presumption that scientific or technical information has not been published or otherwise become a matter of general public knowledge when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by him to have access thereto for limited purposes.

D. The word "copy" means any facsimile, replica, photograph or reproduction of, an article, or any note, drawing, sketch or description made of, or from an article.

2. Violations. Whoever, with intent to wrongfully deprive of, or withhold from, the owner the control of a trade secret, or with intent to wrongfully appropriate a trade secret for his use, or for the use of another:

A. Unlawfully obtains possession of, or access to, an article representing a trade secret; or

B. Having lawfully obtained possession of an article representing a trade secret, or access thereto, unlawfully converts such article to his own use or that of another person, while having possession thereof or access thereto makes, or unlawfully causes to be made, a copy of such article, or unlawfully exhibits such article to another, is guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both.

3. Force. Whoever

A. By force or violence or by putting him in fear takes from the person of another any article representing a trade secret; or

B. Willfully and maliciously enters any building or other structure with intent to obtain unlawful possession of, or access to, an article representing a trade secret,

is guilty of a felony and upon conviction thereof shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 2 years, or by both.

4. Defense. It shall be a complete defense to any prosecution under subsection 2 for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret.