

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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provided. Upon the filing of a petition by the district, the Public Utilities Commission, after notice to all the municipalities comprising the district and a hearing, shall consider the formula and make its findings and decision with respect thereto within 60 days from the date of the filing of the petition by the district. Said findings and decision of the Public Utilities Commission shall be binding upon the district and the municipalities. The district or any municipality may appeal from the findings and decision of the Public Utilities Commission in accordance with Title 35 35-A, section 303 1320.

**Sec. 33.** 32 MRSA §3302, sub-§1, ¶A, as enacted by PL 1977, c. 469, §6, is amended to read:

A. Plumbing by regular employees of public utilities as defined in Title 35 35-A, section 15 102, when working as such;

**Sec. 34.** 36 MRSA §1484, sub-§3, ¶C, as amended by PL 1983, c. 828, §3, is further amended to read:

C. If the motor vehicle is owned by a corporation or a partnership, the excise tax shall be paid in the following manner.

(1) If it is a corporation or partnership other than one described in subparagraph (2), the excise tax shall be paid to the place in which the registered or main office of that organization is located, except that if the organization has an additional permanent place, or places, of business where motor vehicles are customarily kept, the tax on these vehicles shall be paid to the place where such permanent place of business is located. The temporary location of an office and the stationing of vehicles in connection with a construction project of less than 24 months duration is not considered to constitute a permanent place of business. In the case of a foreign corporation or partnership not maintaining a place of business within the State, the excise tax shall be paid to the State.

(2) In the case of corporations described in Title 35 35-A, ~~section 2301~~ sections 2101 to 2104, any excise taxes owed shall be paid to the place in which the registered or main office of that organization is located.

(3) If a municipality, county or motor vehicle owner feels the excise tax has been improperly levied under the authority of this paragraph, the owner, county or municipality may request a determination of this question by the State Tax Assessor. The State Tax Assessor's determination shall be binding on all parties. Any party may seek review of the determination in accordance with the Maine Rules of Civil Procedure, Rule 80-B.

**Sec. 35.** 37-B MRSA §504, sub-§1, as enacted by PL 1983, c. 460, §3, is amended to read:

1. Land acquisition. The director may acquire by eminent domain in accordance with Title 35 35-A, chapter 263 65 and with approval of the Governor, or by purchase, gift or otherwise, real estate in fee simple, or any interest therein, for use as a Veterans' Memorial Cemetery. The land shall not exceed 200 acres in area and shall be located near the center of population of the State.

**Sec. 36.** 38 MRSA §484, 4th ¶, as amended by PL 1977, c. 696, §343, is further amended to read:

In case of a permanently installed power generating facility of more than 1,000 kilowatts or a transmission line carrying 100 kilovolts or more proposed to be erected within this State by an electrical company or companies, the proposed development, in addition to meeting the requirements of subsections 1 to 4, shall also have been approved by the Public Utilities Commission under Title 35 35-A, section 13-A 3132.

**Sec. 37.** 38 MRSA §932 is amended to read:

§932. Eminent domain; assessment of damages

Any person, firm or corporation authorized and empowered to build, maintain and operate pipes, conduits, penstocks, tunnels and canals under section 931 is further authorized and empowered to exercise the right of eminent domain by taking and holding as for public uses in the manner and subject to the limitations prescribed in Title 35 35-A, section 3242 6502, such lands and rights-of-way as such person, firm or corporation may require for such purposes when the water which will be stored, retained and discharged through the use of such pipes, conduits, penstocks, tunnels and canals will be devoted to public uses. All proceedings relating to damages caused by the building, maintaining and operating of said pipes, conduits, penstocks, tunnels and canals shall be ascertained and determined in the same manner as prescribed in ~~said~~ Title 35 35-A, sections 3243 to 3252 6503 to 6512.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1987.

Effective July 1, 1987.

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## CHAPTER 142

H.P. 13 — L.D. 11

### AN ACT to Deny Certain State Funds to Any Person Who Refused to Register Under the United States Military Selective Services Act.

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

20-A MRSA c. 433 is enacted to read:

CHAPTER 433PERSONS FAILING TO REGISTER UNDERUNITED STATESMILITARY SELECTIVE SERVICES ACT§12801. Disqualification for state financial assistance

Any person who is required to present himself and submit to registration under the United States Military Selective Services Act, 50 United States Code, Section 451, et seq., and who fails to do so is ineligible to receive any state funded grant, scholarship or loan made available to persons enrolled in post-secondary educational programs.

The officials who administer those financial assistance programs may require an applicant to submit written proof of registration prior to the award of a post-secondary educational grant, loan or scholarship.

Effective September 29, 1987.

**CHAPTER 143**

H.P. 378 — L.D. 499

**AN ACT to Establish the Uniform Trade Secrets Act.**

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

10 MRSA c. 302 is enacted to read:

CHAPTER 302UNIFORM TRADE SECRETS ACT§1541. Short title

This Act shall be known and may be cited as the "Uniform Trade Secrets Act."

§1542. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Improper means. "Improper means" means theft, bribery, misrepresentation, breach or inducement of a breach of duty to maintain secrecy or espionage through electronic or other means.

2. Misappropriation. "Misappropriation" means:

A. Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

B. Disclosure or use of a trade secret of another

without express or implied consent by a person who:

(1) Used improper means to acquire knowledge of the trade secret;

(2) At the time of disclosure or use, knew or had reason to know that his knowledge of the trade secret was:

(i) Derived from or through a person who had utilized improper means to acquire it;

(ii) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(iii) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(3) Before a material change of his position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

3. Person. "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency or any other legal or commercial entity.

4. Trade secret. "Trade secret" means information, including, but not limited to, a formula, pattern, compilation, program, device, method, technique or process, that:

A. Derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and

B. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

§1543. Injunctive relief

1. Misappropriation restrained or enjoined. Actual or threatened misappropriation may be restrained or enjoined. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

2. Exceptional circumstances. In exceptional circumstances, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time for which use could have been prohibited.

A. Exceptional circumstances include, but are not limited to, a material and prejudicial change of position prior to acquiring knowledge or reason to know