

# 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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of misappropriation that renders a prohibitive injunction inequitable.

3. Protection of trade secret compelled. In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

4. Application. This section applies to all forms of injunctive relief, including temporary restraining orders, preliminary injunctions and permanent injunctions.

#### §1544. Damages

Except to the extent that a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation renders a monetary recovery inequitable, a complainant is entitled to recover damages for misappropriation.

1. Measurement of damages. Damages may include both the actual loss caused by misappropriation and the unjust enrichment caused by misappropriation that is not taken into account in computing actual loss. In lieu of damages measured by any other methods, the damages caused by misappropriation may be measured by imposition of liability for a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

2. Willful, malicious misappropriation. If willful and malicious misappropriation exists, the court may award exemplary damages in an amount not to exceed twice any award made under subsection 1.

#### §1545. Attorneys fees

If a claim of misappropriation is made in bad faith, a motion to terminate an injunction is made or resisted in bad faith or willful and malicious misappropriation exists, the court may award reasonable attorneys fees to the prevailing party.

#### §1546. Preservation of secrecy

In an action under this Act, a court shall preserve the secrecy of an alleged trade secret by reasonable means, which may include granting protective orders in connection with discovery proceedings, holding in camera hearings, sealing the records of the action and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.

#### §1547. Statute of limitations

An action for misappropriation must be brought within 4 years after the misappropriation is discovered or, by the exercise of reasonable diligence, should have been discovered. For the purposes of this section, a continuing misappropriation constitutes a single claim.

#### §1548. Effect on other laws

1. No effect. Except as provided in this section, this Act displaces conflicting tort, restitutionary and other laws of this State providing civil remedies for misappropriation of a trade secret. This Act does not affect:

A. Contractual remedies, whether or not based upon misappropriation of a trade secret;

B. Other civil remedies that are not based upon misappropriation of a trade secret;

C. Criminal remedies, whether or not based upon misappropriation of a trade secret;

D. The duty of any person to disclose information where expressly required by law; or

E. The provisions of the Maine Tort Claims Act, Title 14, chapter 741.

Effective September 29, 1987.

## CHAPTER 144

H.P. 778 — L.D. 1050

### AN ACT to Amend the Hunting Laws Concerning Vinalhaven.

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

12 MRSA §7458, sub-§14, as enacted by PL 1979, c. 420, §1, is amended to read:

14. Illegal use of firearm in Southport. A person is guilty of illegal use of a firearm in ~~Vinalhaven~~ or Southport if he uses any firearm other than a shotgun in the ~~Towns~~ Town of ~~Vinalhaven~~ or Southport or the islands within their ~~its~~ confines.

Effective September 29, 1987.

## CHAPTER 145

H.P. 823 — L.D. 1114

### AN ACT to Clarify the Procedure for Voter Registration by Postcard.

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

21-A MRSA §152, sub-§1, as amended by PL 1985, c. 383, §3, is further amended to read:

1. Application. In addition to the procedure provided by section 122, a person may register to vote ~~and~~ or