

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

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

enroll in a political party, or both, by completing an application which shall be designed by the Secretary of State and contain the following information:

- A. First name, middle name or initial and last name, or first name or initial, middle name and last name;
- B. Residence address, including street, street number, apartment number, town, county and zip code;
- C. Mailing address;
- D. Date of birth;
- E. Sex;
- F. Most recent prior residence where registered to vote, including the name under which registered, if changed, legal address and mailing address;
- G. Whether a citizen by birth or naturalization; if by naturalization, the date, place and court of naturalization;
- H. Notification that failure to complete the entire application may prevent registration;
- I. Certification that all information is correct, sworn before a notary public;
- J. Date of registration;
- K. Signature of applicant; and
- L. Choice of political party if the applicant desires to enroll in a political party.

Effective September 29, 1987.

CHAPTER 146

H.P. 872 — L.D. 1173

AN ACT to Amend the Notice Provisions Concerning Write-in Candidates in Primary Elections.

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

21-A MRSA §723, sub-§1, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. A person who has not qualified as a candidate for nomination by primary election by filing a petition and consent under sections 335 and 336, but who fulfills the other qualifications under section 334, may be nominated at the primary election if he receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5, on a primary petition for a candidate for that office.

(1) Within 7 days after receiving notice of his nomination, a write-in candidate must file a written acceptance with the Secretary of State. If the candidate fails to do so, he is disqualified and his name shall not be printed on the general election ballot. The Secretary of State shall send notice of nomination to a write-in candidate by certified mail, return receipt requested. For purposes of this paragraph, the notice shall be deemed given on the date the write-in candidate signs the receipt, or if the notice is undeliverable, the date the post office last attempts to deliver it. If the candidate fails to file a written acceptance with the Secretary of State within 15 days after receiving the notice, he is disqualified and his name shall not be printed on the general election ballot.

Effective September 29, 1987.

CHAPTER 147

H.P. 1079 — L.D. 1467

AN ACT to Amend the Deadline for Submission of Questions Under the Local Liquor Option.

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

Sec. 1. 28-A MRSA §121, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Petition. A petition for a local option election must be signed by a number of voters equal to at least 15% of the number of votes cast in that municipality in the last gubernatorial election. All petition signatures must have been signed since the last general election. The petition must be addressed to and received by the municipal officers at least ~~21~~ 42 days before holding any primary, special statewide, general or municipal election or town meeting.

Sec. 2. 28-A MRSA §122, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Petition. Residents of an unincorporated place may request that an election be held on any of the local option questions listed in section 123. A petition requesting a local option election must be signed by at least 15% of the voting age residents in the unincorporated place. The petition must be addressed to and received by the Secretary of State at least ~~21~~ 42 days before holding any primary, special, statewide or general election in the unincorporated place.

Effective September 29, 1987.

CHAPTER 148

H.P. 1101 — L.D. 1492