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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 474, L.D. 732, “An Act to Prohibit Copyrights for Works of State Government”

Amend the bill by striking out the title and substituting the following:

'An Act to Prohibit Copyrights for Works of Certain State Government Departments and Agencies'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 1 MRSA §30 is enacted to read:

§30. Copyright for work of department or agency of the State prohibited

A work of a department or agency of the State may not be afforded copyright protection, including under 17 United States Code or any subsequent federal law. This section does not apply to goods sold or products offered for sale by a department or agency of the State and does not preclude a department or agency of the State from receiving and holding a copyright transferred to a department or agency of the State by assignment, bequest or otherwise or a copyright of a work of a department or agency of the State existing prior to the effective date of this section.

As used in this section, "department or agency of the State" does not include prekindergarten to grade 12 public schools, the Maine State Museum, the Maine Community College System, the University of Maine System or any other quasi-independent state entity as defined in Title 5, section 12021, subsection 5.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, amends the bill by specifying that a work of a department or agency of the State may not be afforded copyright protection, including under Title 17 of the United States Code or any subsequent federal

1 law. The amendment excludes goods sold or products offered for sale by a department or
2 agency of the State and does not preclude a department or agency of the State from
3 receiving and holding a copyright transferred to a department or agency of the State by
4 assignment, bequest or otherwise or a copyright of a work of a department or agency of the
5 State existing prior to the effective date of this section.

6 The amendment also clarifies that the term "department or agency of the State" does
7 not include prekindergarten to grade 12 public schools, the Maine State Museum, the Maine
8 Community College System, the University of Maine System or any other quasi-
9 independent state entity as defined in the Maine Revised Statutes, Title 5, section 12021,
10 subsection 5.

11 The amendment also removes section 2 of the bill, which eliminates the ability of the
12 Maine State Museum to receive copyright law protection for research and publications.