

## Maine State Cultural Affairs Council

Maine Arts Commission  
Maine Historic Preservation Commission  
Maine Library Commission  
Maine State Museum Commission  
Maine State Archives  
Maine Historical Society  
Maine Humanities Council

Testimony on

LD 732 – An Act to Prohibit Copyrights for Works of State Government

Joint Standing Committee on State and Local Government  
132<sup>th</sup> Maine Legislature

March 24, 2025

Senator Baldacci, Representative Salisbury, members of the Joint Standing Committee on State and Local Government, my name is Peter Merrill, Chair of the Maine State Cultural Affairs Council.

The Maine State Cultural Affairs Council was established in 1991 to create a coordinated, integrated system of cultural resource programming and to ensure the support of cultural heritage institutions and activities of the State. The goal was to make the cultural agencies independent but have their work be coordinated and complementary.

The members of the Council are the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine State Library, the Maine State Museum, the Maine Humanities Council, the Maine Historical Society, and the Maine State Archives. The Chair of the Council is appointed by the Governor from among the members. The agency directors and a representative of the Governor's Office are *ex-officio* members. The Maine Historical Society and the Maine Humanities Council are not state agencies.

The member agencies of the Council are opposed to LD 732 - An Act to Prohibit Copyrights for Works of State Government. (The Maine State Museum is planning to testify on its own behalf; not through this testimony.)

Broad policy bills like LD 732 are often presented to address a specific concern or problem when the better approach would be to more narrowly target a solution (if indeed a solution is needed). We are not privy to the genesis of this bill but the consequence of a complete, blanket ban on the state obtaining copyrights is misguided and bound to have many unintended consequences in all corners of state government.

One example from the arts and cultural area might be a public art or historical exhibit for which an agency wrote a detailed and scholarly catalog. The agency might copyright the catalog and sell it to help support the exhibit and its mission. Without the copyright protection, anyone could simply take the catalog, print it, sell it, and profit from the work that the taxpayers paid for. This outcome would hardly benefit the people of Maine.

If the intent of the bill is to provide access to records, data, or materials, that is covered by the state's Freedom of Access Act. If that is not working, any problems there will not be solved by banning copyrights. If the intent is to solve some other practical issue, a practical, targeted response should be sought.

We urge the Committee to reject a total state copyright ban. If there is a legitimate problem that needs to be addressed, a more nuanced solution can be found.

Thank you for considering our concerns.