



P.O. Box 2901, Augusta, ME 04338-2901 \* (207) 512-2180



# February 2015 Newsletter

**CAPITOL AREA HOUSING ASSOCIATION**

**“LANDLORDS WORKING TOGETHER”**

## Officers

### President

### Secretary

**Barbara Eckhardt**  
[eckhardtb@roadrunner.com](mailto:eckhardtb@roadrunner.com)

### Treasurer

**Ratna Don**  
[ratnadon44@yahoo.com](mailto:ratnadon44@yahoo.com)

## Board of Directors

**Charlie Anderson**  
[speakez99@yahoo.com](mailto:speakez99@yahoo.com)

**Ratna Don**  
[ratnadon44@yahoo.com](mailto:ratnadon44@yahoo.com)

**Barbara Eckhardt**  
[eckhardtb@roadrunner.com](mailto:eckhardtb@roadrunner.com)

**John McNaughton**  
[mcn1@roadrunner.com](mailto:mcn1@roadrunner.com)

**Ramona Venskus**  
[ramona@NewcomerRelocation.com](mailto:ramona@NewcomerRelocation.com)

**Royce Watson**  
[listmaine@yahoo.com](mailto:listmaine@yahoo.com)

**Harrison Wolfington**  
[harrison@lafflinwolfingtonrealty.com](mailto:harrison@lafflinwolfingtonrealty.com)

Dear CAHA members,

Another New Year has begun. CAHA is looking for a President and Board of Directors. If you are interested in becoming an officer or director, please contact CAHA by phone at (207) 512-2180 or via email at [caha@caha4u.org](mailto:caha@caha4u.org).

## COME HAVE FUN AT THE BANQUET!

The annual banquet is coming on Tuesday February 10, 2015. We hope that you have mailed in your reservation form and check by Saturday, January 31, 2015 so we are able to order your meal on time. We don't sell tickets for the banquet at the door. In the meantime, the board has been busy rounding up door-prizes. The doors open 5:00 p.m., Happy Hour at 5:30 p.m., and the dinner at 6:30 p.m. At the annual meeting, we'll vote for the Directors.

Membership renewals are coming in numbers. We are pleased with the prompt response. But some members did not renew their membership yet. All

*Continued Page 2*

## Slate of Candidates for Board of Directors for a 2 Year Term are:

Charles Anderson  
Sue Barrows  
John McNaughton  
Ramona Venskus

**Ask the Lawyer is back!**

**Page 2**

**Mark Your Calendars!**  
**CAHA Annual Meeting and Banquet will be held**  
**on Tuesday, February 10, 2015**

membership dues for 2015 are due by the end of January. If the \$40.00 membership dues are not paid, then you will be removed from active status and you are not able to receive the fuel discount and other membership benefits. If you have any questions, please contact CAHA by phone at (207) 512-2180 or via email at [caha@caha4u.org](mailto:caha@caha4u.org).

CAHA Board of Directors

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**Board Meeting Minutes  
Capital Area Housing Association (CAHA)  
Held at Lucky Gardens Restaurant, Hallowell  
January 6, 2015**

Past-President & Treasurer Ratna Don opened the meeting at 5:53 p.m. with the following present:

Secretary & Board Member Barbara A. Eckhardt  
Board Member Charles Anderson  
Board Member Ramona Venskus  
Board Member Royce Watson

**Business:** Motion was made by Charlie, and seconded by Ramona, to accept the amended December 2, 2014 Board minutes. Motion passed unanimously.

**Treasurer's Report:** Motion was made by Charlie, and seconded by Royce, to accept the December 3, 2014 through January 4, 2015 Treasurer's Report with year-end Profit and Loss statement. Motion passed unanimously.

**Legislative Committee:** John McNaughton notified the Board of Directors through correspondence that he would be the Legislative Committee's contact person for CAHA. It was the consensus of the Board to have Ratna notify CMOMA of its decision.

**CAHA Annual Banquet:** Ramona said she would email the Board a list of vendors and letter to start the process for the door prizes. It was the consensus of the Board for Ramona to order two carrot cakes for the banquet.

**Speaker for the Banquet:** Barbara reported that she had contacted John McDonald, a Maine storyteller, humorous, and author. The consensus of the Board was that CAHA, being a non-profit organization, would not be able to cover John McDonald's entertainment expenses and to have Barbara inform him of their decision.

**Board Members and Officers for 2015:** Slate of Candidates for Board of Directors for a two-year term are: Charles Anderson, Sue Barrows, John McNaughton, and Ramona Venskus.

**January Newsletter:** Barbara brought in an online article about a new scientific bed bug trap. The consensus of the Board was to update the CAHA members about bed bugs based on this article.

Motion was made by Ramona, and seconded by Barbara, to adjourn at 8:00 p.m.

Respectfully submitted,  
Barbara A. Eckhardt, Secretary

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## ASK THE LAWYER

### The National Fire and Safety Code – Can Laws be Copyrighted?

**Q. The State of Maine and many of its municipalities have adopted model codes of the National Fire Protection Association (NFPA) as law. The NFPA is a private organization that has copyrighted its model codes and charges almost \$100 for its Code Book. Do I have to pay to get copy of a law I am required to follow?**

**A.** Model codes can be protected by copyright, but law cannot.

The NFPA is a private trade association that undertakes to develop uniform codes and standards for commercial publication. As such, it is an "author" of original work protected by federal copyright law, and has the exclusive legal

right to sell copies. The work of the NFPA is not funded by public tax dollars, and relies upon revenue generated from sale of its code books and access to its on-line database which are useful to contractors, engineers, insurance companies and others. However, with increasing frequency, legislative bodies adopt the codes as part of state law or local code ordinances. For instance, a city of Augusta ordinance requires compliance with NFPA Life Safety 101 Codes by housing providers paid from General Assistance Funds. Does this mean that a landlord who is required to follow the law must pay a fee to a private company to get copy of the law?

As of today, you can read the model codes on the NFPA website without charge, but you cannot print copies. You must buy a copy of the Code Book from NFPA if desired. One can also read the City of Augusta copy of the Code Book at City Hall, but you cannot photocopy pages due to copyright concerns. However, a lawsuit pending in federal court is likely to change all of that.

The NFPA and two other private organizations have sued Public.Resource.org, Inc. in the District of Columbia Federal Court. The organizations allege “massive copyright infringement” for scanning and posting on the internet building and fire codes for which copyright protection is claimed. Based on precedent, it seems likely the Court will find there was no copyright violation for publication of those private codes which became public law.

The Copyright Act is a federal law and specifically provides that the work product of Federal employees is in the public domain. Consequently, federal laws and court opinions cannot be copyrighted. This exclusion does not specifically extend to state law, although the courts have consistently held that since every citizen is presumed to know and is required to follow the law, it is against public policy to deny or restrict free access to the law, including state statutes, local ordinances and court opinions. The issue with the NFPA codes is different because they are not initially drafted as law, but become law when adopted by a state or local municipality.

A similar issue was presented to a federal circuit court 13 years ago involving model building codes authored by another private organization, the Southern Building Code Congress International, Inc. (SBCCI). Some Texas towns adopted the model codes as part of their ordinances. One Mr. Veeck bought copy of the codes from SBCCI and posted them on the internet, identifying them as the building codes of the Texas towns that adopted and enforced the codes as their ordinances. The federal court found that once the codes were adopted as law, they entered the public domain. What had been original ideas (codes) expressed in a private publication became factual expressions of law because the building code of the towns could only be defined by verbatim reference to the adopted code. Since Mr. Veeck published the model building codes on his website in precisely the form in which they were adopted by the Texas towns, they became subject to free reproduction and distribution as the law of those towns without copyright protection.

Common sense suggests that all citizens should be able to access and copy the law without cost. No one should have an exclusive right to publish the law. Nor should any citizen in effect be compelled to pay a private tax to reproduce the law. In view of this background, it seems unlikely that NFPA will prevail in the trial court. Unfortunately, it will take time for the case to proceed through federal court, and I expect NFPA will appeal a loss at trial in order to extend its market for as long as possible.

Ultimately I expect that any NFPA codes or standards adopted by a legislative body as law will be without copyright protection, and become available for free reproduction and distribution. In the meanwhile, persons interested in, or affected by, these codes will be relegated to reading publicly available copies, or on-line, but for now will otherwise have to purchase the code book from the NFPA if desired.

**Disclaimer:** For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2015 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.



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 Augusta, ME 04338-2901

