

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1061

H. P. 822

House of Representatives, February 26, 1969

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cox of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Contracts for Class Pins, Emblems or Photographs.

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

R. S., T. 20, §§ 805-811, additional. Title 20 of the Revised Statutes is amended by adding 7 new sections, 805 to 811, to read as follows :

§ 805. Uniform contract

Any contract or agreement entered into between any school, school board, superintendent, principal or teacher of any schoolroom, or any class or school club or organization in any school district, and any individual, company or corporation furnishing, selling or providing, or contracting to furnish, sell or provide school emblems, pins or rings, or other items of like nature to the individual members of any public school class, club or organization, or for the purpose of photographing the students in such school, as individuals or as such class, club or organization for publication in class books or other school publications shall be made on a uniform contract form which shall be prepared in the office of the Attorney General. Said contract form shall be provided by the Attorney General to the superintendents of the several school districts, and the superintendents of schools of any municipality or other political subdivision of the State having independent school systems who shall make exact copies of it available to any school, school board, superintendent, principal, teacher or any class or school organization, or to any photographer, photographic studio or supplier, manufacturer or distributor of class rings, pins, emblems or similar items, or any employee or representative of any of the above.

§ 806. —Price and quality

Contracts for purchases of such items, or for the supply or furnishing of such photographs or photographic services, shall be entered into based solely upon the price, the quality of the merchandise being purchased, and the amount and quality of the services to be rendered.

§ 807. —Prohibition

No such contract shall require, permit, include or contain any express or implied provision that any individual company, corporation or representative thereof, or any individual photographer, photographic studio, or any employee or representative thereof, pay to the school, school board, superintendent, principal, teacher or any class or organization therein, directly or indirectly, any sum of money which is over and above the amount to be charged to each student for the actual cost of the item or items purchased by such student.

§ 808. —Money or gift of value

No individual, company or corporation or any agent, salesman or representative thereof shall offer, and no school, school board, superintendent, principal, teacher or any class or school organization shall accept any money or gift of value from any individual, company or corporation, or any agent, salesman or representative thereof in return for the right or contract to be designated as official representative for the sale of class pins, emblems, rings or the like, or for the right or contract to photograph any student in that school for any purpose. Violation of this section by any superintendent, supervisor, principal or teacher shall mark a forfeiture of his certificate to teach in the public schools.

§ 809. —Limitations

No contract shall be entered into between any school, school board, superintendent, principal, teacher or any class or school organization, on the one hand, and any photographer, photographic studio, or representative of either, on the other hand, which shall deny any student, group or organization in said school the right to have his, her or its portrait for any school publication to be taken by a professional photographer of his, her or its own choosing; nor shall any contract allow any contracting photographer, photographic studio, book-bindery or publishing house to refuse publication or printing to any individual or group photograph prepared by any professional photographer or photographic studio on the basis that such photograph does not conform to specifications set by such photographer, photographic studio, book-bindery or publishing house unless such specifications are published before any such contract is entered into, made available to all parties desiring to contract for the supply of the items to be purchased or the services to be furnished, included in the contract itself, and provided that they are not designed to effectively deny freedom of competition. The term "professional photographer or photographic studio" shall mean any photographer or studio having a designated place of business and customarily engaged in furnishing photographs as his or its normal vocation.

§ 810. —Inspection

Contracts entered into and falling within the purview of sections 805 to 811 shall be available for public inspection in the office of the superintendent of

schools of the appropriate school division, during normal business hours within 48 hours of execution and until one year from the effective date.

§ 811. Penalty

Whoever violates sections 805 to 811, or any section thereof, shall, in addition to any other penalties herein set forth, be punishable by a fine of not less than \$50 nor more than \$500 or by imprisonment for not more than 6 months, or by both.