

# MAINE STATE LEGISLATURE

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# E I G H T Y - S I X T H   L E G I S L A T U R E

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**Legislative Document**

**No. 161**

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S. P. 161

In Senate, Jan. 31, 1933.

Referred to Committee on Mercantile Affairs and Insurance and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Jackson of Sagadahoc.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

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AN ACT Regulating Sale of Convict-made Goods.

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

Section 1. **Sale of convict-made goods on "open market" forbidden.** The sale on the open market of this state of all goods, wares or merchandise manufactured or mined, wholly or in part, by convicts or prisoners (except prisoners on parole or probation) or in any penal and/or reformatory institution is hereby prohibited. On and after July 1, 1933, the provisions of this act, and all other regulations and laws of this state in effect at that time and not inconsistent with this act, shall apply to all goods, wares or merchandise manufactured or mined, wholly or in part, by convicts or prisoners (except prisoners on parole or probation) or in any penal and/or reformatory institution and transported into the state for use or distribution, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced or mined within the state.

Sec. 2. **Labor of convicts regulated.** It is hereby declared unlawful for the state or any of its officers or agencies, or any of the political subdivisions thereof, to enter into any contract or other arrangement for the labor of any of the inmates of any of the several penal and/or reformatory institutions of this state.

Sec. 3. **Sales to institutions, etc. allowed.** For the purposes of this act the provisions of section 1 relating to sales on the open market shall not include the sale and/or exchange of convict-made goods produced in the penal and/or reformatory institutions to or with other penal, charitable, reformatory and/or custodial institutions the major portion of whose maintenance is contributed by this state and/or any of the political subdivisions thereof, for the use and/or consumption of said institutions or for the use and/or consumption of the population therein confined.

Sec. 4. **Interstate exchange of prison goods forbidden.** The exchange of the prison products of institutions of this state as specified in this act with the products of any other state is hereby prohibited.

Sec. 5. **Regulations authorized.** The department of health and welfare is hereby authorized and directed to make such rules and regulations governing the conduct of industries in the penal and/or reformatory institutions of this state as will (a) result in the manufacture, mining or production of only such goods, wares or merchandise as may be used or needed in the several penal, custodial, charitable and/or reformatory institutions the major portion of whose maintenance is contributed by this state or any of the political subdivisions thereof, or for the use and consumption of the institutionally-confined population of said institutions; and (b) result in the manufacture at such penal and/or reformatory institutions of as wide a variety of products as practicable, it being the purpose and intent of this provision to direct the management of said institutions to so diversify the products of said institutions as to eliminate the concentration of prison labor in any one or few industries, thus to minimize as nearly as may be the possible competition of said industries with private industry and private capital: provided, however, that no goods, wares or merchandise manufactured or mined in any penal and/or reformatory institution of this state shall be shipped outside of this state for sale and/or exchange.

Sec. 6. **Cost accounting system.** The said department shall make such rules and regulations as may be necessary to set up in the said penal and/or reformatory institutions of this state a cost-accounting system in connection with the manufacture or production of all goods, wares or merchandise of said institutions, which cost-accounting system shall take into consideration a reasonable compensation to be set aside for the labor of any prisoner or convict employed in any industry of said institutions, which compensation shall be held for the benefit of said prisoner or convict, or under proper rules and regulations remitted to the dependents of said prisoners or convicts.

Sec. 7. **Sale price of prison made goods regulated.** The sale price of products made in any penal, and/or reformatory institution for the sale

to or the use of any of the institutions hereinabove mentioned, shall be as nearly as practicable the same as the sale price of similar merchandise manufactured in private industry.

Sec. 8. **“Open market” defined.** The words, “open market” as used in this act, shall mean all sales and/or exchanges conducted or transacted through the medium of stores, shops, sales offices, sales agents or agencies, whether retail or wholesale, or in any other manner, to the consuming public.