

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 584

H. P. 1337

House of Representatives, February 12, 1935.

Referred to Committee on Legal Affairs, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Elliot of Thomaston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT to Promote the State Use System of Industries in the Public Welfare Institutions.

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

Sec. 1. Title of act. This act shall be known as "an act to promote the state use system of industries in the public welfare institutions" and shall be so interpreted as to encourage the production of goods and merchandise in the public welfare institutions of this state.

Sec. 2. Definitions. The words "public welfare institutions" as used in this act shall mean the Maine state prison, the state reformatory for men and the state reformatory for women.

Sec. 3. Sale on open market regulated. The sale on the open market in 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 or reformatory institution is hereby prohibited. The provisions of this act, and all other regulations and laws in this state in effect at that time and not inconsistent with this act, shall apply to all goods, wares and merchandise manufactured or mined, wholly or in part, by convicts or prisoners (except prisoners on parole or probation) or in any penal 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. 4. Limitations purchases by public officers. It is hereby declared unlawful for the state or any of its officers or agencies, or any of the towns or cities thereof, to enter into any contract or arrangement for the labor of any of the several penal or reformatory institutions of this state, except as herein provided.

Sec. 5. Sales may be made to certain institutions. For the purposes of this act the provisions of section 3 relating to sales on the open market shall not include the sale of the exchange of convict made goods produced in the public welfare institutions of this state to or with other reformatory and/or custodial institutions for their own consumption or use nor sale of goods, wares, merchandise or farm products to any department, institution or agency of any state or its political sub-divisions.

Sec. 6. Goods produced in institutions to be reported to purchasing agent. The commissioner of health and welfare shall cause such articles and materials as are used in the offices, departments or institutions of the state and of the several cities and towns to be produced by the labor of inmates in the public welfare institutions, and from time to time shall notify the state purchasing agent, managing officer of any state office, department or institution having the duty of purchasing articles and materials for any city or town, what articles and materials are being produced in the public welfare institutions. This notification shall describe in detail such articles and materials, giving the style, size, design or quality and any other information necessary to properly describe such articles or materials.

Sec. 7. Agent to buy from institutions when possible. When the state purchasing agent or managing officer of any state office, department or institution, shall have had occasion to purchase any articles or materials similar to those produced in the public welfare institutions, and notification of such production has been given him, he shall make requisition therefor to the commissioner of health and welfare, the provisions of any statute, resolution, rule or regulation to the contrary notwithstanding. The requisition shall conform to specifications and description previously submitted by the commissioner unless it appears that special style, design or quality is needed, and shall be on forms provided by the commissioner. If said articles or materials are needed immediately and are not on hand, the commissioner shall forthwith notify the requisitioner and he may purchase elsewhere.

Sec. 8. No bill for any such articles or materials purchased for the use of state offices, departments or institutions, otherwise than from public welfare institutions, shall be allowed or paid unless it is accompanied by a certificate from the commissioner showing that a requisition therefor has been made and that such goods cannot be supplied by it, the provisions and statute, resolution, rule or regulation to the contrary notwithstanding.

Sec. 9. The price of all articles and materials supplied by the public welfare institutions shall conform as nearly as practicable to the wholesale market rates for similar goods manufactured elsewhere. Any difference of opinion in regard to price shall be submitted for arbitration to a representative of the commissioner of health and welfare, a representative of the requisitioner and the commissioner of finance, and the decision of the majority of them shall be final.

Sec. 10. The commissioner of health and welfare, commissioner of finance and comptroller shall co-operate in establishing certain standards of production and shall by consultation and meeting with managing officers, departments and institutions, determine the style, designs and quality of articles and materials made.

Sec. 11. If articles or materials of different design, style or quality than those produced are needed, by any state department or institution, the commissioner of health and welfare may, if a sufficient quantity is needed, arrange for the manufacture thereof on a special order.

Sec. 12. Any officer who wilfully neglects or refuses to comply with the provisions of this act relative to the purchase of articles and materials from the public welfare institutions shall be punished by a fine of not more than \$100 for each violation.