

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 387

S. P. 166

In Senate, February 4, 1959.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Martin of Kennebec.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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AN ACT Protecting Persons Against Invasions of Personal Privacy.

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

R. S., c. 130, § 35-A, additional. Chapter 130 of the Revised Statutes is amended by adding a new section 35-A, to read as follows:

'Sec. 35-A. Personal privacy protected. Any person, firm or corporation that uses the name, portrait or picture of any living person, except where the use of such name, portrait or picture is necessary and reasonable in the objective reporting and dissemination of news, without having first obtained the written consent of such person, or of a minor, of his parent or guardian, shall be punished by a fine of not less than \$500 nor more than \$1,000 and by imprisonment for less than one year.

Any person whose name, portrait or picture is used in violation of this section may maintain in the Superior Court of the State an action against the person, firm or corporation so using his name, portrait or picture, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait or picture in violation of this section, the jury, in its discretion, may award exemplary damages.'