

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Control the Costs of College Textbooks

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

Sec. 1. 20-A MRS §10009 is enacted to read:

§ 10009. Sale and purchase of textbooks and instructional materials

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Bundled," with respect to instructional materials, means that a textbook and other instructional materials are packaged together with supplemental items that are not required or recommended for a given course by faculty or staff to be sold for one price. Instructional materials are not considered bundled if they are designed solely for sale as an integrated combination of 2 or more units or materials that cannot be sold separately due to 3rd-party contractual agreements, custom editions or special editions.

B. "Instructional materials" means any textbooks, workbooks, CD-ROMs and other course-related material required or recommended by the faculty or staff for a given course.

C. "Postsecondary educational institution" or "institution" means any postsecondary educational institution incorporated or chartered under the laws of the State.

2. Bundled instructional materials. A publisher of instructional materials may not provide bundled instructional materials for sale to students unless students are also provided with the option of purchasing those instructional materials separately.

3. Price of instructional materials; history of revisions. A publisher of instructional materials that may be purchased by students enrolled at a postsecondary educational institution shall, upon request of a faculty or staff member of that institution, make the following available prior to the completion of an order for instructional materials for a given course:

A. The price at which the publisher will make the instructional materials available to bookstores located on campus or that have a contract with the institution to provide bookstore services to its students; and

B. A list containing the history and details of revisions, if any, for the instructional materials since the last published edition.

4. Code of ethics and practice standards for employees and vendors. A postsecondary educational institution shall establish a code of ethics and practice standards for faculty, staff and vendors that provide that:

A. An employee of a postsecondary educational institution may not demand or receive any payment, loan, subscription, advance, deposit of money, service or anything of value, present or promised, as an inducement for requiring students enrolled at the institution to purchase specific instructional materials. An employee or a department of a postsecondary educational institution may receive:

(1) Sample copies of instructional materials and instructor copies of instructional materials that are not to be sold by faculty, staff or bookstores;

(2) Royalties or other compensation from sales of instructional materials that include the writing or work of the employee;

(3) Honoraria for academic peer review of instructional materials; and

(4) Training in the use of instructional materials and technologies; and

B. An instructional materials vendor or bookstore located on campus or a bookstore that contracts with the postsecondary educational institution to provide bookstore services to students may not solicit faculty and staff members for the purpose of selling instructional materials that have been provided by a publisher for review at no charge to the faculty or staff. The code and standards must also provide that bookstores may not permit book wholesalers conducting buy-backs on campus to accept free review instructional materials from faculty or staff and may not engage in any trade of instructional materials marked or identified as free review instructional materials.

SUMMARY

This bill requires publishers of textbooks and other instructional materials that are provided for use in postsecondary educational institutions in the State to disclose, upon the request of a faculty or staff member, the price of the instructional materials prior to the completion of such orders for instructional materials for a given course. The bill prohibits the practice of bundling, which requires a student purchasing college textbooks and required instructional materials to also purchase other supplemental items that are not required for a given course. The bill also requires postsecondary educational institutions in the State to establish a code of ethics and practice standards for faculty, staff and vendors who order textbooks and other instructional materials.