

# MAINE STATE LEGISLATURE

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**EIGHTY-FOURTH LEGISLATURE**

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**House Document**

**No. 410**

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H. P. 1219          House of Representatives, Feb. 19, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Sargent of Brewer.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE**

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AN ACT to Regulate the Manufacture of Bedding and  
Upholstery.

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

Section 1. That the word "mattress" shall mean any  
2 quilted pad, mattress, mattress protector, bunk quilt or box  
3 spring stuffed or filled with excelsior, straw, hay, grass,  
4 corn husks, moss, fibre, cotton, wool, hair, jute, kapok or  
5 other soft material to be used on a couch or other bed for  
6 sleeping or reclining purposes.

The words "pillow," "bolster" or feather bed" shall  
2 mean any bag, case or covering made of cotton or  
3 other textile material and stuffed or filled with excelsior,

4 straw, hay, grass, corn husks, moss, fibre, cotton, wool, hair,  
5 jute, feathers, feather down, kapok or other soft material  
6 to be used on a bed, couch, divan, sofa, lounge or other  
7 article of upholstered furniture for sleeping or reclining  
8 purposes.

The word "comfortable" shall mean any cover, quilt or  
2 quilted article made of cotton or other textile material and  
3 stuffed or filled with fibre, cotton, wool, hair, jute, feathers,  
4 feather down, kapok or other soft material to be used for  
5 sitting, resting or reclining purposes.

The word "cushion" shall mean any bag or case made of  
2 leather, cotton, or other textile materials and stuffed or  
3 filled with excelsior, hay, grass, corn husks, tow, moss, fibre,  
4 cotton, wool, hair, feathers, feather down, kapok or other  
5 soft material to be used on a hammock, chair, couch, divan,  
6 sofa, lounge or other article of furniture for reclining, rest-  
7 ing or sleeping purposes.

The words "upholstered furniture" shall mean any article  
2 of furniture stuffed or filled with excelsior, straw, hay,  
3 grass, corn husks, tow, moss, fibre, cotton, wool, hair, jute,  
4 feathers, feather down, kapok or other soft material to be  
5 used for sitting, resting, or reclining purposes.

The word "new" as used in this act shall mean any  
2 material or article which has not been previously used for  
3 any purpose other than manufacture.

The word "secondhand" shall mean any material or article  
2 of which prior use other than manufacture has been made.

The word "person" as used herein shall include persons,  
2 corporations, copartnerships and associations.

Words used in the singular number shall include the plural  
2 and the plural the singular.

Sect. 2. No person shall employ or use in the making,  
2 remaking, or renovating of any mattress, pillow, bolster,  
3 feather bed, comfortable, cushion, or article of uphol-  
4 stered furniture (a) \* (b) any secondhand material,  
5 unless, since last used, such secondhand material has been  
6 thoroughly sterilized and disinfected by a reasonable process  
7 approved by the commissioner of labor and industry, (c)  
8 any new or secondhand feathers, unless such new or second-  
9 hand feathers have been sterilized and disinfected by a rea-  
10 sonable process approved by the commissioner of labor and  
11 industry.

Sect. 3. Any person engaged in the making, remaking or  
2 renovating of any mattress, pillow, bolster, comfortable,  
3 cushion, or article of upholstered furniture in which second-  
4 hand material is used, or in the making of any new or  
5 secondhand feather or down filled article, or engaged in  
6 sterilizing and disinfecting any material, feathers, or article  
7 coming under the provisions of this act, shall submit to the  
8 commissioner of labor and industry for approval a reasonable  
9 and effective process, together with duplicate plans of  
10 apparatus or auxiliary devices, for the sterilization and dis-  
11 infection of secondhand material, feathers, and secondhand  
12 articles herein enumerated.

Upon the approval of such process for sterilization and  
2 disinfection, a numbered permit for its use shall be issued to  
3 the applicant by said commissioner. Such permit shall ex-  
4 pire one year from date of approval. Every person to  
5 whom a permit has been issued, shall keep such permit  
6 conspicuously posted in his office or place of business. Re-  
7 fusal to display such permit in accordance with this act  
8 shall be sufficient reason to revoke and forfeit the permit.

Nothing in this act shall prevent any person engaged in  
2 the making, remaking, renovating or sale of any article  
3 herein described, which requires sterilizing and disinfecting  
4 under the provisions hereof, from having such sterilizing  
5 and disinfecting performed by any person to whom a permit  
6 for such purposes has been issued, providing the number of  
7 the permit shall appear in the statement on the tag attached  
8 to the article.

Sect. 4. All places where any mattress, pillow, bolster,  
2 bed comfortable, cushion or article of upholstered furniture  
3 is made, remade, or renovated, or where materials for the  
4 herein named articles are prepared, or establishment where  
5 said articles are offered for sale, or are in possession of any  
6 person with intent to sell, deliver, or consign them, or estab-  
7 lishment where sterilizing and disinfecting is performed,  
8 shall be subject to inspection by the department of labor  
9 and industry to ascertain whether the materials and the  
10 finished articles herein enumerated conform to the require-  
11 ments of this act.

Sect. 5. No person shall manufacture, sell, lease, offer to  
2 sell or lease, or deliver or consign in sale or lease, or have  
3 in his possession with intent to sell, lease, deliver or con-  
4 sign in sale or lease, (a) any mattress, pillow, bolster, feath-  
5 er bed, comfortable, cushion or article of upholstered furni-  
6 ture made, remade, or renovated in violation of this act;  
7 (b) any secondhand mattress, pillow, bolster, feather bed,  
8 cushion or comfortable, or any mattress, pillow, bolster,  
9 feather bed, cushion or comfortable filled with material that  
10 has had prior use in any form or of any kind, and whether  
11 changed in form and texture or not unless since last used  
12 it has been thoroughly sterilized and disinfected by a reason-  
13 able process approved by the commissioner of labor and  
14 industry.

Sect. 6. Each and every mattress or article covered by  
2 this act other than a feather or down filled pillow, bolster,  
3 bed comfortable, cushion or any secondhand article of up-  
4 holstered furniture shall bear securely attached thereto and  
5 visible on the outside covering a substantial cloth tag, upon  
6 which shall be plainly and indelibly stamped or printed in  
7 English, (a) a statement showing the kind of materials used  
8 in filling said mattress or article and stating whether the  
9 same are wholly new or secondhand or partly secondhand,  
10 and if the prior use of the material cannot be readily deter-  
11 mined by inspection said statement shall disclose the charac-  
12 ter of the material, its prior use and the nature and kind  
13 of material from which it was manufactured; (b) the word

14 "secondhand" upon any article of which prior use has been  
15 made; (c) the number of the permit issued for sterilizing  
16 and disinfection.

Each and every pillow or other article covered by this act  
2 in which feathers or down are used shall bear securely  
3 attached thereto and visible on the outside covering a sub-  
4 stantial cloth tag upon which shall be plainly and indelibly  
5 stamped or printed in English, (a) statement that the feath-  
6 ers or down used in filling have been sterilized and disin-  
7 fected in accordance with this act; (b) the number of the  
8 permit issued for sterilizing and disinfecting the feathers  
9 or down; (c) the word "secondhand" upon a feather or  
10 down filled article in which feathers or down are used which  
11 have had prior use; (d) the number of permit issued for  
12 sterilizing and disinfecting.

Each and every article of upholstered furniture of which  
2 prior use has been made shall bear securely attached thereto  
3 and visible on the outside covering a substantial cloth tag,  
4 upon which shall be plainly and indelibly stamped or printed  
5 in English the word "secondhand."

No additional information shall be contained in said state-  
2 ments, except, however, that when any article of uphol-  
3 stered furniture is made up of more than one movable  
4 cushion, mattress or pillow covered by this act the tag re-  
5 quired by this section to be attached to each such cushion,  
6 mattress or pillow may be attached to the body of such  
7 article of furniture, in which case said tag shall state thereon

8 what material is used in filling the cushions, mattresses or  
9 pillows making up such article of furniture as well as that  
10 used in the body thereof.

Sect. 7. The tag required by section six of this act to be  
2 attached to any article covered by this act shall contain not  
3 less than six square inches. The statement of the materials  
4 used must be in plain type not less than one-eighth of an  
5 inch in height.

It shall be unlawful to use exclusively in the said state-  
2 ment concerning any mattress, pillow, bolster, comfortable,  
3 cushion or article of upholstered furniture the word "Felt"  
4 or words of like import if any other than garnetted materials  
5 are used in filling or the words "Curled Hair" or words of  
6 like import if other than curled hair is used in filling.

It shall be unlawful to make any false, untrue or mislead-  
2 ing statement on such tag or to remove, deface, alter or in  
3 any manner attempt to remove, deface or alter such tag or  
4 to cause to be removed, defaced or altered any statement  
5 placed upon such tag in accordance with the requirements  
6 of this act.

Sect. 8. The commissioner of labor and industry shall  
2 upon application to him by any person entitled thereto regis-  
3 ter such applicant and assign a registry number by which  
4 number said applicant shall thereafter be known and desig-  
5 nated in applying and enforcing the tagging, inspection and  
6 adhesive stamp provisions of this act, and thereupon he  
7 shall furnish to such applicant adhesive stamps in quantities



8 of not less than one thousand for which the applicant shall  
9 pay ten dollars for each thousand stamps, which said pay-  
10 ment and charge shall constitute an inspection charge for  
11 the purpose of enforcing this act. The commissioner of  
12 labor and industry is hereby authorized to prepare and  
13 cause to be printed adhesive stamps which shall contain a  
14 replica of the seal of the state, the registry number of the  
15 person applying therefor and such other matter as the com-  
16 missioner shall direct.

No person shall sell, lease, offer to sell or lease or deliver  
2 or consign in sale or lease or have in his possession with  
3 intent to sell, lease, deliver or consign in sale or lease in  
4 the state of Maine any article covered by this act unless  
5 there be affixed to the tag provided for in section six of this  
6 act by the person manufacturing or renovating the same an  
7 adhesive stamp prepared and issued by the commissioner  
8 of labor and industry as hereinbefore provided.

All proceeds of the sale of stamps and all fines collected  
2 under the provisions of this act shall be paid to the com-  
3 missioner of labor and industry and when so collected and  
4 paid shall thereafter be by the commissioner of labor and  
5 industry paid into the state treasury.

The state treasurer shall establish a separate fund to be  
2 known as the bedding and upholstery fund into which all  
3 moneys collected under the provisions of this act shall be  
4 paid and from which all expenditures necessary in carrying  
5 into effect the provisions of this act shall be paid.

All moneys in the bedding and upholstery fund from time  
2 to time are hereby specifically appropriated to the depart-  
3 ment of labor and industry for the purpose of carrying into  
4 effect the provisions of this act and for the payment of  
5 salaries and expenses of inspectors, employes and for re-  
6 search or any other necessary expenses of the department  
7 of labor and industry connected with the enforcement of  
8 this act.

The money in the bedding and upholstery fund shall be  
2 paid to the use of the department of labor and industry in  
3 advance from time to time as the same is required upon  
4 requisition by the commissioner of labor and industry.

The state auditor shall upon requisition from time to time  
2 of the commissioner of labor and industry and the proper  
3 accounting for moneys already advanced from the fund  
4 draw his warrant upon the state treasurer for the amount  
5 specified in such requisition not exceeding, however, the  
6 amount in such fund available for the purposes herein  
7 specified at the time such requisition is made.

Sect. 9. The department of labor and industry through  
2 its officers and employes is hereby charged with the adminis-  
3 tration and enforcement of this act and shall have the power  
4 to seize and hold for evidence at a trial for the violation of  
5 this act any article offered for sale or made in violation  
6 of this act.

The department of labor and industry shall make reason-  
2 able rules and regulations for the enforcement of this act.

Sect. 10. Any person violating any of the provisions of  
2 this act shall be guilty of a misdemeanor and upon convic-  
3 tion thereof shall be sentenced to pay a fine of not less than  
4 ten dollars and not more than fifty dollars for each offense  
5 and in default of the payment of such fine, to undergo an  
6 imprisonment of not less than ten days for each separate  
7 offense: Provided, that the total term of imprisonment at  
8 one time for additional offenses shall not exceed six months.

Each mattress, pillow, bolster, feather bed, comfortable,  
2 cushion or article of upholstered furniture made, remade  
3 or renovated, sold, offered for sale, delivered, consigned or  
4 possessed with intent to sell, deliver or consign contrary to  
5 the provisions hereof shall constitute a separate offense.

Each imitated or counterfeited adhesive stamp made, used,  
2 sold, offered for sale, delivered or consigned contrary to the  
3 provisions hereof shall constitute a separate offense.

The commissioner of labor and industry may revoke any  
2 permit issued under the provisions of this act if the person  
3 to whom the permit was issued has violated any provisions  
4 of this act, or the rules or regulations established thereunder.

Sect. 11. If any portion of this act is held to be uncon-  
2 stitutional by any court of competent jurisdiction, such  
3 decision shall not invalidate the portions unaffected thereby.

Sect. 12. All acts and parts of acts inconsistent with the  
2 provisions of this act are hereby repealed.