

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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No. 1314

H.P. 946

House of Representatives, April 24, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative BOUTILIER of Lewiston.

Cosponsored by Senator MATTHEWS of Kennebec and Representative RUHLIN of Brewer.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Regulate the Use of Water Glass Adhesive on Shipping Labels.



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

3 **26 MRSA c. 5, sub-c. II-A is enacted to read:**

5 **SUBCHAPTER II-A**

7 **SHIPPING LABELS ADHERED BY WATER GLASS**

9 **Article 1. General Provisions**

11 **§251. Construction**

13 This subchapter shall be construed to cover and apply to the
15 manufacture, importation, sale and distribution of all shipping
17 labels using water glass as an adhesive which are intended for
19 sale or use in the State, except that this subchapter is not
21 intended to apply to labels already affixed to packages and
entering the State by United States Postal Service or other
package delivery service for delivery to addressees named on that
label.

23 **§252. Definitions**

25 As used in this subchapter, unless the context otherwise
27 indicates, the following terms have the following meanings.

29 1. Bureau. "Bureau" means the Bureau of Labor Standards
31 within the Department of Labor.

33 2. Importer. "Importer" means any person or persons who
35 bring or carry into this State, from abroad, shipping labels
37 using water glass as an adhesive intended for sale or use in this
State.

39 3. Person. "Person" means individuals, partnerships,
41 associations, trusts, corporations and any other individual or
43 any other business entity.

45 4. Shipping label. "Shipping label" means a piece of
47 paper, cloth, plastic or other material designed to be affixed to
49 envelopes or packages for transport to designate the addressee or
the contents of an envelope or package.

5. Water glass. "Water glass" means a substance consisting
in whole or in part of silicate of sodium or other silicate and
used as an adhesive.

§253. Administration and rules

1 The bureau is charged with the administration and
2 enforcement of this subchapter and may make and enforce
3 reasonable rules which will enforce this subchapter and ensure
4 that shipping labels offered for sale in the State shall be free
5 of water glass adhesive unless there is no practical alternative
6 adhesive, and shall have the power through its officers or agents
7 to take for analysis samples of shipping labels from
8 manufacturers, importers, retailers or distributors of shipping
9 labels without compensation. All rules shall be promulgated
10 pursuant to the Maine Administrative Procedure Act, Title 5,
11 chapter 375.

13 **§254. Proceeds payable into General Fund**

15 All fees and other money collected in the administration of
16 this subchapter shall be credited to the General Fund.

17 **§255. Violation; suspension and confiscation**

19 If any manufacturer or importer of shipping labels is found
20 in violation of this subchapter or the regulations under this
21 subchapter, the bureau may suspend the sale of those shipping
22 labels by the manufacturer or importer and prohibit the sale or
23 giving away of those shipping labels by retailers, distributors
24 or other persons. Pursuant to this section, the bureau may
25 confiscate those shipping labels pending an appeal, by any party
26 injured, to the Superior Court and that appeal shall utilize
27 procedures set forth in Title 5, section 11001 et seq.

29 **§256. Penalties**

31 Any person violating any provision of this subchapter or the
32 rules and regulations of the bureau established under this
33 subchapter shall be guilty of a misdemeanor and upon conviction
34 shall be punished by a fine of not less than \$10 nor more than
35 \$100 for each offense; and, in default of the payment of the
36 fine, by imprisonment for not more than 10 days for each offense.

37 Each article manufactured or imported for sale, sold,
38 leased, offered for sale or leased or possessed with intent to
39 sell or lease, contrary to this subchapter, or of the rules and
40 regulations established under this subchapter shall constitute a
41 separate offense and shall be punishable as provided in this
42 section.

43 Article 2. Administration and Operation

44 **§257. Registration**

45 Manufacturers or importers of all shipping labels
46 manufactured in or imported into this State or intended for sale
47

1 or use in this State shall register with the bureau on forms
2 provided by the bureau. The forms shall set forth, among other
3 items, the name and address of the manufacturer or importer, the
4 type of shipping labels manufactured or imported, the composition
5 of the adhesive and such other information as the bureau may
6 require. A fee of \$50 shall accompany each registration. This
7 registration shall be valid for a period of one year and may be
8 renewed annually by filling out forms prescribed by the bureau.
9 The form shall be accompanied by payment of a fee of \$50.

11 Any individually owned business in this State manufacturing
12 the type of shipping labels described in section 252, subsection
13 4 and whose gross income from the sale of these products is under
14 \$1,500 per year shall register with the bureau on forms provided
15 by the bureau that set forth those items covered in this section.
16 A fee of \$5 shall accompany each registration. This registration
17 shall be valid for a period of one year and the individuals will
18 be subject to all other requirements of this subchapter.

19 **§258. Issuance of certificate of registration and appeal**
20 **procedures**

21 Upon receipt of the registration form, the bureau shall, if
22 the applicant is in compliance with this subchapter and the
23 regulations of the bureau, issue a certificate of registration to
24 the manufacturer or importer. If the bureau fails to issue the
25 certificate of registration or renewal of the certificate of
26 registration, the applicant may appeal to the Superior Court in
27 accordance with Title 5, section 11001 et seq. In an application
28 for a renewal of a certificate of registration, the bureau shall
29 follow the procedures set forth in Title 5, section 10001 et seq.

30 **§259. Requirement of certificate of registration for sale**

31 Only mailing labels for which the manufacturer or importer
32 has been issued a certificate of registration as provided in
33 section 257 may be sold, distributed or given away in this State.

34 **STATEMENT OF FACT**

35 The use of water glass as an adhesive on shipping labels is
36 dangerous as it has a tendency to flake and can cut those
37 handling the packages, such as postal service employees, or those
38 receiving and opening packages to which labels have been affixed
39 with water glass. Safe substitutes are available and therefore
40 the manufacture and use of this adhesive should be limited in
41 this State to those situations where use of an alternative is
42 impractical.