

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Legislative Document

No. 410

S. P. 259

In Senate, February 4, 1941.

Referred to Committee on Public Health. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Hildreth of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to the Manufacture of Bedding.

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

P. L., 1933, c. 1, §§ 55-59, amended. Sections 55 to 59, inclusive, of chapter 1 of the public laws of 1933, as amended, are hereby repealed and the following enacted in place thereof:

'Sec. 55. Construction. The provisions herein set forth shall be construed to cover and apply to the manufacture, repair, and renovation of all mattresses, pillows, bolsters, feather beds, and other filled bedding of any description, also to cushions and all types of upholstered furniture which are intended for sale or lease in this state, and to the sale or lease thereof.'

'Sec. 56. Definitions. (a) The term "department" when used in sections 55 to 59, shall mean the department of health and welfare.

(b) The term "new," as used in sections 55 to 59, shall mean any article or material which has not been subjected to a previous manufacturing process, or which has not been previously used for any purpose.

(c) The term "secondhand," as used in sections 55 to 59, shall mean any article or material, or portion thereof, of which prior use has been made in any manner whatsoever.

(d) The term "person," as used in sections 55 to 59, shall include individuals, partnerships, companies, corporations, and associations.

(e) The term "renovate," as used in sections 55 to 59, shall mean to restore to former condition or to place in a good state of repair.

(f) The term "auction," as used in sections 55 to 59, shall mean a public sale of property or effects conducted upon the principle of the highest bidder becoming the purchaser of any particular article or lot offered for sale.

(g) Wherever in sections 55 to 59 the singular is used the plural shall be included, and where the masculine gender is used the feminine and neuter shall be included.'

'Sec. 57. Compliance with provisions of §§ 55-59. No person shall manufacture, offer for sale or lease, or have in his possession with intent to sell, auction, or include in a sale, lease or auction, any new or second-hand article or material covered by sections 55 to 59, unless all provisions of said sections have been complied with.

It is intended that the responsibility for compliance with this section, in the case of any article or material imported into the state, shall rest upon the vendor, lessor or other person having such article or material in his possession.'

'Sec. 58. Use of secondhand material. No person shall use any second-hand material in the renovation of any article covered by sections 55 to 59, unless, since last used, such secondhand material has been effectively cleansed and sterilized or disinfected by a process approved by the department, and in accordance with the regulations of the department, and such article, if not so cleansed, sterilized or disinfected, shall be returned to its original owner, and shall not thereafter be offered for sale.

The use of secondhand material previously used in any article covered by sections 55 to 59, shall be prohibited in the manufacture of any article covered by sections 55 to 59 other than an article to be returned to its original owner.'

'Sec. 58-A. Secondhand articles. No secondhand article covered by sections 55 to 59, except upholstered furniture, shall be offered for sale, lease, or auction, or be in the possession of any person with intent to sell, lease, or auction, unless such article, since last used, has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with regulations of the department. Secondhand upholstered furniture shall be so treated when required by the rules and regulations of the department.'

'Sec. 58-B. Permits. No person shall be considered to have qualified to apply an acceptable sterilizing or disinfecting process, as required by the provisions of sections 55 to 59, until such process has been registered with and approved by the department, after which a numbered permit shall then be issued by the department. Such permit shall expire one year from date of issue and shall thereafter be annually renewed at the option of the permit holder, upon submission of proof of continued compliance with the provisions of sections 55 to 59 and the regulations of the department. Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of his place of business near the sterilizer. Holders of permits to apply sterilization or disinfection shall be required to keep an accurate record of all articles or material which have been sterilized or disinfected, including the date of the same, and name and address of the buyer of each, and such records shall be available for inspection at any time by authorized representatives of the department.

For all initial permits issued, as required by the preceding section, there shall, at the time of issue thereof, be paid by the applicant to the department of health and welfare a fee of \$50. An annual renewal charge of \$5 shall be paid to the same department.

Every application for sterilizing or disinfecting permit to be held in a state, other than Maine, shall be approved only after personal inspection of said sterilizer or disinfector by the department or its authorized representative. The expenses for such inspections out of the state shall be paid by the applicant.

A sterilization or disinfection permit may be revoked by the department upon proof of violation of any of the provisions of sections 55 to 59. A reissue of said permit shall be subject to provisions as set forth for an initial permit.'

'Sec. 58-C. Articles to be tagged. Every article containing new material covered by sections 55 to 59 shall bear securely attached thereto and plainly visible a substantial white cloth tag, upon which shall be indelibly stamped or printed, in the English language, a statement showing the kind of materials used in filling such article, with approximate percentages when mixed, and with the word "New" clearly printed thereon.

Every article covered by sections 55 to 59 containing secondhand material, or a portion thereof, shall bear securely attached thereto and plainly visible a substantial red cloth tag upon which shall be indelibly stamped or printed, in the English language, a statement showing the kind of materials used in filling such article, with approximate percentages when

mixed, and shall state "Sterilized and Disinfected," with the permit number of the person who performed such work.

The terms used on the tag to describe filling materials shall be restricted to those defined in the regulations of the department, and no trade or substitute terms shall be used.

It shall be unlawful to make any false or misleading statements on the tag required by this section. It shall be unlawful for any person to remove, deface, or alter, or cause to be removed, defaced, or altered, any tag or statement contained thereon. The placing of stamps required in section 58-D over any lettering on the tag shall be construed to be defacement of the tag.

The size of the tag required by this section shall be not less than 6 inches, and the lettering thereon, covering the statement of filling materials and whether new or secondhand, shall be in plain type not less than $\frac{1}{8}$ inch in height.'

'Sec. 58-D. Registration. No person shall sell or lease, or have in his possession with intent to sell or lease, in the state, any article covered by the provisions of sections 55 to 59, unless there be affixed to the tag required by said sections by the person manufacturing, selling, or leasing the same, an adhesive stamp prepared and issued by the department.

The department shall register all applicants for stamps and assign to every such person a registration number, which thereafter shall constitute his identification record, and said identification shall not be used by any other person.

Adhesive stamps as provided for by sections 55 to 59 shall be furnished by the department in quantities of not less than 1000, for which the applicant shall pay \$20 for each 1000 stamps. The department is hereby authorized to prepare and cause to be printed adhesive stamps, which shall contain a replica of the seal of the state, the registry number of the person applying therefor, and such other matter as the department shall direct.'

'Sec. 58-E. The department is hereby charged with the enforcement of sections 55 to 59, and it is further empowered, and its duty shall be to make, amend, alter or repeal general rules and regulations for carrying into effect all the provisions of sections 55 to 59, and to prescribe means, methods and practices to make effective such provisions.

All places where mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions, or articles of upholstered furniture are manufactured, repaired, or renovated, or where materials for the herein named

articles are prepared, or where said articles are offered for sale or lease, or where there is possession with intent to sell or lease, or where sterilizing and disinfecting is performed, shall be subject to inspection by authorized representatives of the department to ascertain whether the requirements of sections 55 to 59 and of regulations of the department have been met.

The department, through its officers and employes, is hereby empowered to take samples of materials under the authority of sections 55 to 59 and to hold for evidence at a trial for the violations of sections 55 to 59 any articles or materials manufactured or offered for sale or lease in violations of said sections.

Properly accredited representatives of the department shall have authority to place "off sale" any article or material which is offered for sale or lease, or found in the possession of any person with intent to sell or lease in violation of any of the provisions of law herein set forth. When articles or materials are removed from sale, they shall be so tagged, and such tags shall not be removed except by an authorized representative of the department, after satisfactory proof of compliance with all requirements of sections 55 to 59 and of regulations of the department.

The department is also empowered to test samples of materials when requested to do so by any reputable person.

All auctioneers shall be required to be registered in the department, and shall secure thereupon a certificate authorizing the sterilization of articles under the jurisdiction of sections 55 to 59 by an approved process. Each certificate at the time of issue thereof shall be subject to a fee of \$5, with an annual renewal of \$1.

An auctioneer's certificate may be revoked by the department upon proof of violation of any of the provisions of sections 55 to 59. A reissue of said certificate shall be subject to provisions set forth for initial certificate.'

'Sec. 58-F. Proceeds payable into the general fund. All proceeds of the sale of stamps and all fines and other monies collected in the administration of sections 55 to 59, shall be payable to the department, and when collected shall thereafter be transmitted by him to the treasurer of state.'

'Sec. 58-G. Prosecutions for violations. Prosecution for violations of the provisions of sections 55 to 59 or of the rules and regulations adopted by the department may be instituted by said department, and municipal courts shall have concurrent jurisdiction thereof with the superior court.'

'Sec. 58-H. Violations; penalty. Any person, who shall be convicted of violation of any of the provisions of sections 55 to 59, or of the rules

and regulations established thereunder, shall be punished by a fine of not less than \$50, nor more than \$100, for each offense, and in default of payment of such fine, by imprisonment for not less than 30 days for each separate offense, provided that the term of imprisonment at any one time for total computed offenses shall not exceed 6 months.

Each mattress, pillow, bolster, feather bed, and other filled bedding, cushion, or article of upholstered furniture manufactured, repaired, or renovated, sold, offered for sale, or leased or possessed with intent to sell or lease, contrary to the provisions of sections 55 to 59 or of the rules and regulations established thereunder, shall constitute a separate offense and shall be punishable as provided in this section.

The department may revoke any permit issued under the provisions of sections 55 to 59 if the person to whom the permit was issued has violated any provisions of said sections or of the rules and regulations established thereunder.'

'Sec. 59. Constitutional provision. It is intended that the various provisions of sections 55 to 59 are severable, and if any such provisions are declared to be unconstitutional at any time by courts of authorized jurisdiction, the said action shall not be considered to affect the remainder of the provisions of said sections.'