

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1439

H. P. 1714

House of Representatives, April 18, 1947.

Reported by Mr. Webber from Committee on Public Health and printed under joint rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Relating to the Manufacture and Sale of Bedding and
Upholstered Furniture.**

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

R. S., c. 22, §§ 147-151, repealed and replaced. Sections 147 to 151, inclusive, are hereby repealed and the following enacted in place thereof:

'Bedding and Upholstered Furniture

Sec. 147. Definitions.

I. "Article of bedding" in sections 147 to 151-C, inclusive, shall mean any mattress, upholstered box spring, pillow, comforter, cushion, muff, bed quilt or similar article designed for use for sleeping purposes.

II. "Article of upholstered furniture" in sections 147 to 151-C, inclusive, shall mean chairs, sofas, studio couches and all furniture in which upholstery or so-called filling or stuffing is used whether attached or not.

III. The word "new" as used in sections 147 to 151-C, inclusive, shall mean any article or material which has not been previously used for any other purpose. Manufacturing processes shall not be considered prior use.

IV. The term "secondhand" as used in sections 147 to 151-C, inclusive, shall mean any article or material, or portion thereof, of which prior use has been made in any manner whatsoever.

V. The term "person" as used in sections 147 to 151-C, inclusive, shall include individuals, partnerships, companies, corporations, and associations.

VI. The term "department" where used in sections 147 to 151-C, inclusive, shall mean the department of health and welfare.

Sec. 148. Secondhand materials. No person shall manufacture for sale, sell, lease, offer to sell or lease, or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver or consign in sale or lease any article of bedding or upholstered furniture covered in sections 147 to 151-C, inclusive, in which in the making, remaking or renovation thereof, subsequent to September 1, 1947, any secondhand material has been used, unless such material, before such reuse, has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with the regulations of the department.

Sec. 149. Permits. Any person desiring to secure a permit qualifying them to apply an acceptable sterilizing or disinfecting process, as required by sections 147 to 151-C, inclusive, shall submit to the department a plan of such apparatus and the process intended to be used for such sterilization and disinfection, and upon approval a numbered permit shall then be issued by the department. Such permit shall expire 1 year from date of issue and shall thereafter be annually renewed at the option of permit holder, upon submission of proof of continued compliance with the provisions of sections 147 to 151-C, inclusive, and the regulations of the department.

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

A sterilization or disinfection permit may be revoked by the department upon proof of violation of any of the provisions of sections 147 to 151-C, inclusive. A reissue of said permit shall be subject to the provisions as set forth for an initial permit.

Sec. 150. Articles to be tagged. Each article containing new material covered by sections 147 to 151-C, inclusive, shall bear securely attached thereto and plainly visible a substantial white cloth tag, upon which shall

be indelibly stamped or printed, in English, 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.

Each article covered by sections 147 to 151-C, inclusive, containing secondhand material, or a portion thereof, shall bear securely attached thereto and plainly visible a substantial yellow cloth tag, upon which shall be indelibly stamped or printed, in English, a statement showing the kind of materials used in filling such articles, with approximate percentages when mixed, and shall state "Sterilized and Disinfected".

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

It shall be unlawful to use any false or misleading statement, term or designation on said tag or to remove, deface or alter, or to attempt to remove, deface or alter such tag or any statements thereon, or the adhesive stamp hereafter described.

Sec. 151. 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 147 to 151-C, inclusive, after July 31, 1949, 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. For the purposes of affixing adhesive stamp required by this section, pillows or cushions to be used with or part of an article of upholstered furniture shall be considered as one unit with said article.

The department shall register all applicants for stamps and assign to every such person a registration number, said registration number not to be used by any other person, and furnish to such applicant adhesive stamps in quantities of not less than 500 for which the applicant shall pay \$5 for each 500 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 to whom issued and such other matter as the department shall direct.

Sec. 151-A. Administration and enforcement. The department is hereby charged with the administration and enforcement of the provisions of sections 147 to 151-C, inclusive; and may make and enforce

reasonable rules and regulations for the enforcement of said sections, and shall have the power through its officers or agents to seize and hold for evidence any article made or offered for sale in violation of the provisions of sections 147 to 151-C, inclusive, or the rules and regulations of the department; and any places where any articles covered by said sections are made, remade, or offered for sale, or where sterilization or disinfecting is performed under the provisions of said sections shall be subject to inspection by the department through its officers or agents.

Sec. 151-B. Proceeds payable into the general fund. All fees and other moneys collected in the administration of sections 147 to 151-C, inclusive, shall be credited to the general fund of the state. Provided, however, that there shall always be available for the administration of the provisions of sections 147 to 151-C, inclusive, state moneys in an amount not less than the revenue derived from the fees collected under the provisions of sections 147 to 151-C, inclusive, except that any unexpended balances shall remain in the general fund.

Sec. 151-C. Penalty. Any person violating any provision of sections 147 to 151-C, inclusive, or the rules and regulations of the department established thereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10, nor more than \$100, for each offense; and, in default of the payment of such fine by imprisonment for not more than 10 days for each such offense.

Each article manufactured for sale, sold, leased, offered for sale, or leased or possessed with intent to sell or lease, contrary to the provisions of sections 147 to 151-C, inclusive, or of the rules and regulations established thereunder, shall constitute a separate offense and shall be punishable as provided in this section.'