

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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AS PASSED BY THE
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and assess a tax of 10c per bushel of soft shell clams harvested during the period of a state-approved management program.'

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 25, 1965

Chapter 106

AN ACT Regulating Manufacture and Sale of Stuffed Toys.

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

Sec. 1. R. S., T. 26, § 81, sub-§ 8, repealed. Subsection 8 of section 81 of Title 26 of the Revised Statutes is repealed, as follows:

~~'8. Stuffed toy. "Stuffed toy" shall mean any article intended for use by infants or children as a plaything which is filled with or contains any fiber, chemical or other stuffing.'~~

Sec. 2. R. S., T. 26, § 113, amended. Section 113 of Title 26 of the Revised Statutes is amended to read as follows:

§ 113. 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 ~~or stuffed toy~~ covered in this subchapter in which in the making, re-making or renovation thereof, any secondhand material has been used, unless such material, before such re-use, 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. 3. R. S., T. 26, c. 5, sub-c. I-A, additional. Chapter 5 of Title 26 of the Revised Statutes is amended by adding a new subchapter I-A, to read as follows:

'SUBCHAPTER I-A

STUFFED TOYS

ARTICLE 1. GENERAL PROVISIONS

§ 121. Construction

This subchapter shall be construed to cover and apply to the manufacture, sale and distribution of all stuffed toys and filled playthings of all types which are intended for sale, gift or use in the State.

§ 122. Definitions. In this subchapter:

1. Department. "Department" shall mean the Department of Labor and Industry.

2. New. "New" shall mean any article or material which has not been previously used for any other purpose. Manufacturing processes shall not be considered prior use.

3. Person. "Person" shall include individuals, partnerships, associations, trusts, corporations and any other individual or any other business entity, except as noted in this subchapter.

4. Secondhand. "Secondhand" shall mean any article or material, or portion thereof, of which prior use has been made in any manner whatsoever.

5. Stuffed toy. "Stuffed toy" shall mean any article intended for use by infants or children as a plaything which is filled with or contains any fiber, chemical or other stuffing.

§ 123. Administration and rules and regulations

The department is charged with the administration and enforcement of this subchapter; and may make and enforce reasonable rules and regulations which will insure that stuffed toys offered for sale in the State shall be clean and free from dangerous or harmful substances and for the enforcement of this subchapter, and shall have the power through its officers or agents to take for analysis samples of stuffed toys from manufacturers, retailers or distributors thereof without compensation.

§ 124. Proceeds payable into General Fund

All fees and other moneys collected in the administration of this subchapter shall be credited to the General Fund. There shall always be available for the administration of this subchapter state moneys in an amount not less than the revenue derived from the fees collected under this subchapter, except that any unexpended balance shall remain in the General Fund.

§ 125. Violation; suspension and confiscation

If any manufacturer of stuffed toys or any stuffed toys are found in violation of this subchapter or the regulations thereunder, the department may suspend the sale of such toys by the manufacturer and prohibit the sale or giving away of such toys by retailers, distributors or other persons having such toys. In pursuance of this section, the department may confiscate such toys pending an appeal, by any party injured, to the Superior Court and such appeal shall utilize procedures set forth in section 132.

§ 126. Penalties

Any person violating any provision of this subchapter 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 this subchapter, or of the rules and regulations established thereunder shall constitute a separate offense and shall be punishable as provided in this section.

ARTICLE 2. ADMINISTRATION AND OPERATION

§ 131. Registration

Manufacturers of all stuffed toys manufactured in this State or intended for sale, gift or use in this State shall register with the department on forms provided by the department. The forms shall set forth, among other items, the name and address of the manufacturer, the type of stuffed toys manufactured, the composition of the stuffing and such other information as the department may require. A fee of \$50 shall accompany each registration, except that the registration fee shall not be required for those stuffed toys and filled playthings commonly made without compensation in the home, church or public hall to be sold for charitable purpose. This registration shall be valid for a period of one year and may be renewed, annually, by filling out of such forms as shall be prescribed by the department, which form shall be accompanied by payment of a fee of \$50.

§ 132. Issuance of certificate of registration and appeal procedures

Upon receipt of the registration form, the department shall, if the applicant is in compliance with this subchapter and the regulations of the department, issue a certificate of registration to the manufacturer. If the department fails to issue such certificate of registration or renewal thereof, the applicant may appeal to the Superior Court in accordance with the appeal procedure from decisions of the Commissioner of Labor and Industry under section 7.

§ 133. Material and processed material

All material used in stuffed toys shall be new and free from dangerous or harmful chemicals or other substances and shall be free from oil, dirt, refuse and similar substances. Manufacturers using material in stuffed toys containing products of animal origin or secondhand material must obtain a certificate of disinfection from the department on forms provided by the department. Such application shall contain with it a random sample of the said product of animal origin or secondhand material as it is contained in stuffed toys ready for market. In disinfection of such material only processes approved by the department may be used. In determining what processes shall be approved, the department shall insure that the said product of animal origin or secondhand material shall be clean and pure and neither harmful nor dangerous to potential users thereof.

§ 134. Requirement of certificate of registration for sale

Only stuffed toys for which the manufacturer has been issued a certificate of registration as provided in section 132 may be sold, distributed or given away in this State.'