

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 854

H.P. 605

House of Representatives, February 16, 2005

### **An Act To Ban the Distribution of Children's Products That Contain Mercury Batteries**

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Reference to the Committee on Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MAKAS of Lewiston.  
Cosponsored by Representatives: CANAVAN of Waterville, CRESSEY of Cornish, Senator COWGER of Kennebec, Senator NUTTING of Androscoggin and  
Representatives: EBERLE of South Portland, GERZOFKY of Brunswick, GROSE of Woolwich, HUTTON of Bowdoinham, KOFFMAN of Bar Harbor, MUSE of Fryeburg, THOMPSON of China, TWOMEY of Biddeford.

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

4 **Sec. 1. 38 MRSA §1661, sub-§1, ¶¶D and E,** as repealed and replaced by PL 2001, c. 656, §1, are amended to read:

6 D. An electric relay or other electrical device; and

8 E. A lamp; and

10 **Sec. 2. 38 MRSA §1661, sub-§1, ¶F** is enacted to read:

12 F. A novelty that contains a battery that contains mercury.

14 **Sec. 3. 38 MRSA §1661, sub-§6** is enacted to read:

16 6. Novelty. "Novelty" means a product intended mainly for  
18 enjoyment by or adornment of children. "Novelty" includes, but  
20 is not limited to, items intended for use by children as  
practical jokes, figurines, adornments, toys, games, cards,  
ornaments, jewelry and items of apparel.

22 **Sec. 4. 38 MRSA §1661-C, sub-§5-A** is enacted to read:

24 5-A. Novelties. After January 1, 2007, a person may not  
26 sell or offer to sell or distribute for promotional purposes in  
the State a novelty that contains a battery that contains mercury.

28 **SUMMARY**

30 This bill bans, after January 1, 2007, the sale in this  
32 State of children's novelties that contain mercury batteries,  
such as light-up games, cards and adornments.