

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1040

H.P. 766

House of Representatives, March 28, 1995

An Act to Amend the Toxics in Packaging Law.

Submitted by the Maine Waste Management Agency pursuant to Joint Rule 24.
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.
Cosponsored by Representatives: JACQUES of Waterville, MARSHALL of Eliot, SPEAR of
Nobleboro, Senator: LORD of York.

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

2 Sec. 1. 32 MRSA §1732, sub-§§2-A and 2-B are enacted to read:

4 2-A. Incidental presence. "Incidental presence" means the
6 presence of a regulated metal as an unintended or undesired
ingredient of a package or packaging component.

8 2-B. Intentional introduction. "Intentional introduction"
10 means the act of deliberately using a regulated metal in the
formation of a package or packaging component when its continued
12 presence is desired in the final package or packaging component
to provide a specific characteristic, appearance or quality.

14 The use of a regulated metal as a processing agent or
16 intermediate to impart certain chemical or physical changes
during manufacturing, when the incidental retention of a residue
18 of the metal in the final package or packaging component is
neither desired nor deliberate, is not considered intentional
20 introduction for the purposes of this chapter.

22 The use of recycled materials as feedstock for the manufacture of
24 new packaging materials, when a portion of the recycled materials
may contain amounts of the regulated metals, is not considered
26 intentional introduction for the purposes of this chapter when
the new package or packaging component is in compliance with
section 1733.

28 Sec. 2. 32 MRSA §1732, sub-§5, as enacted by PL 1989, c. 849,
30 §1, is amended to read:

32 5. Packaging component. "Packaging component" means any
34 individual assembled part of an-~~assembled~~ a package such as, but
not limited to, any interior or exterior blocking, bracing,
36 cushioning, weatherproofing, exterior strapping, coatings,
closures, inks and labels. Tin-plated steel that meets the
38 American Society for Testing and Materials specification A-623
must be considered as a single package component.
40 Electrogalvanized coated steel and hot-dipped coated galvanized
steel that meets the American Society for Testing and Materials
42 specifications A-525 and A-879 must be treated in the same manner
as tin-plated steel.

44 Sec. 3. 32 MRSA §1734, sub-§2, as amended by PL 1993, c. 310,
Pt. A, §1, is further amended to read:

46 2. Health and safety requirements; feasibility;
48 post-consumer materials. The manufacturer, supplier or
distributor petitions the agency for an exemption for a

particular package or packaging component and the agency grants
an exemption for one or more of the following reasons.

A. The package or packaging component contains lead, cadmium, mercury or hexavalent chromium added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of state or federal law.

B. There is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling or function of the package's contents.

C. The addition of post-consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in section 1733, subsection 3.

For packages or packaging components exempted under paragraph A or B, a 2-year exemption may be granted and that exemption may be renewed for an additional 2 years. An exemption granted under paragraph C is valid for 6 years; ~~or~~

Sec. 4. 32 MRSA §1734, sub-§3. as enacted by PL 1991, c. 177, §1, and affected by §2, is amended to read:

3. Alcoholic beverages bottled prior to effective date. The package or packaging component contains an alcoholic beverage bottled prior to April 1, 1992; ~~or~~

Sec. 5. 32 MRSA §1734, sub-§4 is enacted to read:

4. Packaging and packaging components; reused. Packages and packaging may be reused under the following conditions.

A. Packages and packaging components that exceed contaminant levels set forth in section 1733 may be reused if the product being conveyed by the package or packaging component is regulated under federal or state health or safety requirements; if transportation of the packaged product is regulated under federal or state transportation requirements; and if disposal of the package is performed according to federal or state radioactive or hazardous waste disposal requirements.

B. Packages and packaging components having a controlled distribution that exceed the contaminant levels set forth in section 1733 may be reused if the manufacturer or

2 distributor of the packages or packaging components
3 petitions the agency for exemption and receives approval
4 from the agency according to standards set by the agency and
5 based upon satisfactory demonstrations that the
6 environmental benefit of the controlled distribution and
7 reuse is significantly greater than the same package
8 manufactured in compliance with the contaminant levels set
9 forth in section 1733.

10 C. This subsection is repealed January 1, 2000.

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STATEMENT OF FACT

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15 This bill amends the toxics in packaging law consistent with
16 revisions endorsed by the Coalition of Northeastern Governors'
17 Source Reduction Task Force.

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