

MAINE STATE LEGISLATURE

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Handwritten initials and date: "A.S." and "4-27-00"

L.D. 2084

DATE: 4-27-00

(Filing No. H-1174)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 734, L.D. 2084, Bill, "An Act to Reduce the Release of Mercury into the Environment from Consumer Products"

Amend the amendment by striking out everything after the title and before the summary and inserting in its place the following:

'Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §12004-I, sub-§24-A is enacted to read:

<u>24-A.</u>	<u>Mercury</u>	<u>Legislative</u>	<u>38 MRSA</u>
<u>Environment:</u>	<u>Products</u>	<u>Per Diem</u>	<u>§1670</u>
<u>Natural</u>	<u>Advisory</u>	<u>and Expenses</u>	
<u>Resources</u>	<u>Committee</u>	<u>for</u>	
		<u>Legislators</u>	
		<u>and Expenses</u>	
		<u>Only for</u>	
		<u>Certain Members</u>	

Sec. 2. 38 MRSA c. 16-B is enacted to read:

CHAPTER 16-B

MERCURY-ADDED PRODUCTS AND SERVICES

§1661. Definitions

1. Mercury-added product. For the purposes of this chapter,

A.M.S.

unless the context otherwise indicates, "mercury-added product" means any of the following items if it contains mercury added during manufacture:

- A. A thermostat or thermometer;
- B. An electrical switch, individually or as part of another product;
- C. A medical or scientific instrument;
- D. An electric relay or other electrical device, excluding an electrical device that is in a mercury-added lamp; and
- E. A lamp.

§1662. Labeling and consumer information

1. Labeling required for certain products. Effective January 1, 2002, a manufacturer may not sell at retail in this State or to a retailer in this State, and a retailer may not knowingly sell, a mercury-added product unless the item is labeled pursuant to this subsection. The label must clearly inform the purchaser or consumer that mercury is present in the item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed and reused, recycled or otherwise managed to ensure that it does not become part of solid waste or wastewater. Manufacturers shall affix to mercury-added products labels that conform to the requirements of this subsection.

The board shall adopt rules to establish standards for affixing labels to the product and product package. The rules must strive for consistency with labeling programs in other states and provide for approval of alternative compliance plans by the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

This subsection does not apply to mercury-added lamps.

2. Mercury-added lamps; large use applications. A person who sells mercury-added lamps to the owner or manager of an industrial, commercial or office building or to any person who replaces or removes from service outdoor lamps that contain mercury shall clearly inform the purchaser in writing on the invoice for the lamps or in a separate document that the lamps contain mercury, a hazardous substance that is regulated by federal and state law, and that they may not be placed in solid waste destined for disposal. Retail establishments that

incidentally sell mercury-added lamps to the specified purchasers
are exempt from the requirements of this subsection.

A person who contracts with the owner or manager of an
industrial, commercial or office building or with a person
responsible for outdoor lighting to remove from service
mercury-added lamps shall clearly inform in writing the person
for whom the work is being done that the lamps being removed from
service contain mercury and what the contractor's arrangements
are for the management of the mercury in the removed lamps.

§1663. Disposal ban

After July 15, 2002, a person may not knowingly place a
mercury-added product in solid waste for disposal in a solid
waste disposal facility. This section may not be construed to
affect existing laws, rules or regulations governing disposal of
mercury-added products prior to July 15, 2002.

§1664. Source separation

1. Removal from service; products containing mercury. When
a mercury-added product is removed from service, the mercury in
the item must be reused, recycled or otherwise managed to ensure
compliance with section 1663.

A person who is in the business of replacing or repairing a
mercury-added product in households shall ensure, or deliver the
item to a facility that will ensure, that the mercury contained
in an item that is replaced or repaired is reused, recycled or
otherwise managed in compliance with section 1663.

2. Thermostats. A manufacturer of thermostats that contain
mercury or a manufacturer of thermostats that may replace
thermostats that contain mercury shall, in addition to the
requirements of section 1662, provide incentives for and
sufficient information to purchasers and consumers of the
thermostats for the purchasers or consumers to ensure that
mercury in thermostats being removed from service is reused,
recycled or otherwise managed in compliance with section 1663. A
manufacturer that has complied with this subsection is not liable
for improper disposal by purchasers or consumers of thermostats.
Manufacturer collection programs conducted in accordance with
universal waste rules adopted by the department meet the
requirements of this subsection.

§1665. Automobile component parts

Notwithstanding sections 1662 and 1664, these sections do
not apply to mercury-added products, including mercury-added

lamps, that are components in automobiles until July 15, 2002. A plan for compliance with these sections as they relate to automobile components must be developed pursuant to this section.

By January 1, 2001, automobile manufacturers that sell automobiles at retail in this State or to a retailer in this State shall submit proposed alternative compliance plans to the department. By January 1, 2002, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a plan for the labeling and source separation of automobile component parts to meet the requirements in sections 1662 and 1664. The department shall develop the plan in consultation with automobile manufacturers, automobile dismantlers, automobile recyclers and other interested parties. The plan may provide for alternative compliance plans for labeling and must provide for the safe removal and management of mercury-added parts prior to the shredding of vehicles. The department shall also develop, in consultation with the interested parties, an assessment of whether and how mercury switches or other electrical devices in automobile components should be added to the universal waste rules adopted by the board and submit the assessment with the plan.

In deciding whether to approve an alternative compliance plan for labeling of automobile components, the department may consider the extent to which the plan provides for identification of mercury-added components in vehicles assembled before July 15, 2002.

§1666. Household hazardous waste exemption

A person who uses mercury-added products in that person's home is not subject to the provisions of section 1663 or 1664 until January 1, 2005 with respect to those products the person uses in that person's home and is not subject to fines or penalties for noncompliance with the provisions of section 1663 or 1664 with respect to those products the person uses in that person's home.

§1667. Dental procedures

By July 15, 2002, the department shall work with dentists and other interested parties to develop a pollution prevention plan for mercury from dental procedures that provides for reasonable measures to reduce mercury pollution from dental procedures and related sources. The plan must include options and strategies for implementing source reduction.

§1668. Education program

2 The department and the Executive Department, State Planning
3 Office shall implement an education program relating to
4 mercury-added products no later than January 1, 2001. The
5 program must provide information to the public about labeled
6 mercury-added products, the requirements of the law regarding the
7 source separation of waste mercury-added products and collection
8 programs that are available to the public.

10 **§1669. Technical assistance to municipalities**

12 The department shall coordinate with the Executive
13 Department, State Planning Office to assist interested
14 municipalities and regional associations in developing collection
15 programs for mercury-added products.

16 **§1670. Mercury Products Advisory Committee**

18 The Mercury Products Advisory Committee, established by
19 Title 5, section 12004-I, subsection 24-A and referred to in this
20 section as the "committee," shall advise the department, the
21 Executive Department, State Planning Office and the Legislature
22 on further actions needed to prevent and reduce environmental
23 releases of mercury from consumer products.

24 1. Appointment; composition. The committee consists of the
25 following 13 members:

26 A. Two members from the Senate appointed by the President
27 of the Senate. When making the appointments, the President
28 of the Senate shall give preference to members from the
29 joint standing committee of the Legislature having
30 jurisdiction over natural resources matters;

31 B. Two members from the House of Representatives appointed
32 by the Speaker of the House. When making the appointments,
33 the Speaker of the House shall give preference to members
34 from the joint standing committee of the Legislature having
35 jurisdiction over natural resources matters;

36 C. Four members representing the business community, at
37 least one of whom is an owner or represents an owner of a
38 small business, appointed by the Governor;

39 D. Two members representing environmental organizations,
40 appointed by the Governor;

41 E. Two members representing municipalities, appointed by
42 the Governor; and

2 F. One member representing the general public, appointed by
the Governor.

4 2. Terms. Except for the Legislators, who serve terms
coincident with their legislative terms, all members are
6 appointed for 3-year terms. A vacancy must be filled by the same
appointing authority that made the original appointment.
8 Appointed members may not serve more than 2, 3-year terms.

10 3. Compensation. Legislative members are entitled to
receive the legislative per diem, as defined in Title 3, section
12 2, and to reimbursement for expenses according to Title 5,
section 12004-I, subsection 24-A. Public members not otherwise
14 compensated by their employers or other entities whom they
represent are entitled to reimbursement of necessary expenses
16 incurred for their attendance at authorized meetings of the
committee.

18 4. Quorum; actions. A quorum is a majority of the members
20 of the committee. An affirmative vote of the majority of the
members present at a meeting is required for any action. Action
22 may not be considered unless a quorum is present.

24 5. Chairs. The first-appointed Senate member is the Senate
chair of the committee and the first-appointed House of
26 Representatives member is the House chair of the committee.

28 6. Meetings. The committee shall meet at least 4 times per
year and at any time at the call of the chairs or upon written
30 request to the chairs by 4 of the voting members.

32 7. Staff support. The commissioner shall provide the
committee with staff support.

34 8. Duties; powers. The committee shall:

36 A. Provide assessment, advice and recommendations on
38 emerging policy concerns or on adjustments to existing
programs related to mercury-added products;

40 B. Assess the feasibility of establishing, and foster
42 establishment if possible, of consumer education and
collection programs for mercury-added products that would
44 achieve, but not be limited to, the following:

46 (1) Contracts by waste management firms that would
provide comprehensive collection, transportation,
48 storage, record keeping and recycling of mercury-added
products used by industrial, commercial, office and
50 other large users;

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(2) Recovery and recycling of at least 70% of the mercury-added lamps in the State;

(3) Education and outreach programs to promote the use of energy-saving fluorescent lighting, the availability of waste management service contracts for recycling of mercury-added lamps and other mercury-added products and the environmental importance and market availability of low-mercury models of fluorescent lamps; and

(4) Conversion of at least 70% of the mercury-added lamps in the State to low-mercury models;

C. Report annually beginning January 15, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effectiveness and extent of established programs for the collection, transportation and recycling of mercury-added products and on the performance of such systems in achieving the goals identified in paragraph B;

D. Include in its 2002 annual report an assessment of whether and how mercury switches or other electrical devices, other than those in automobile components, should be added to the universal waste rules adopted by the board; and

E. Include in its 2004 annual report an assessment and recommendations relating to collection and recycling programs for mercury-added products, including the following:

(1) An assessment of how well collection and recycling programs in the State are performing in comparison to programs established in other states with recommendations for improvements;

(2) An assessment of existing programs and infrastructure, and the costs and feasibility of expanded programs and infrastructure, for the collection and recycling of mercury-added products used by municipalities and households, with recommendations on whether additional municipal and regional solid waste collection facilities should be established to facilitate residential and municipal recycling of mercury-added products; and

(3) Recommendations on whether manufacturers of mercury-added products should be required to establish

programs for collection from users. Any such recommendation should be based on an assessment of the effectiveness of fee-for-service private-sector programs that may have been established for the collection, transportation and recycling of mercury-added products.

9. Repeal date. This section is repealed August 1, 2006.

Sec. 3. 38 MRSA §2133, sub-§2-B, as enacted by PL 1995, c. 465, Pt. A, §46 and affected by Pt. C, §2, is amended to read:

2-B. **Household hazardous waste collection.** The office may, within available resources, award grants to eligible municipalities, regional associations, sanitary districts and sewer districts for household hazardous waste collection and disposal programs. In implementing this program, the office shall attempt to:

A. Coordinate the household hazardous waste collection programs with overall recycling and waste management;

B. Encourage regional economies of scale;

C. Coordinate programs between private and public institutions; and

D. Maximize opportunities for federal grants and pilot programs; and

E. By January 1, 2002 and as necessary thereafter, fund capital improvements and operating expenses to facilitate the development of collection programs throughout the State for hazardous waste that is universal waste, as identified in board rules, generated by households, small-quantity generators, public schools and municipalities.

At a minimum, the office shall award grants to public schools and municipalities for reasonable costs incurred as a result of managing waste mercury-added products generated by those public schools and municipalities, in compliance with the requirements in sections 1663 and 1664, that would not otherwise be incurred by complying with existing laws, rules or regulations as of July 15, 2002.

Sec. 4. 38 MRSA §2304-A, sub-§2, ¶¶L and M, as enacted by PL 1999, c. 348, §7, are amended to read:

L. Zinc emissions from tire burning; and

A. of S.

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M. Sulfuric acid emissions from burning fuel that is approved by the department; and

Sec. 5. 38 MRSA §2304-A, sub-§2, ¶N is enacted to read:

N. Lamps, mercury-containing thermostats, polychlorinated biphenyl ballast and batteries defined as universal waste in 40 Code of Federal Regulations, Section 273.2.

Sec. 6. Report on mercury releases into environment and mercury collection programs; legislation. The Department of Environmental Protection shall submit a report by January 15, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury releases into the environment. The report must include the following: an inventory of mercury releases into the air, water and land; the sources of mercury released into the environment, including natural sources; a summary of regional efforts to reduce releases of mercury into the environment; an assessment of the feasibility of reducing mercury pollution from crematoriums; and an estimate of the economic impact of the ban on disposal of low-mercury lamps, including the economic impact related to infrastructure, training and education.

The department shall also include in its report an assessment of the extent to which the infrastructure has been developed to enable collection and recycling of mercury-added lamps.

The joint standing committee of the Legislature having jurisdiction over natural resources matters has authority to report out a bill to the Second Regular Session of the 120th Legislature relating to mercury releases and programs for the collection, transportation, recycling and disposal of mercury-added products.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Legislature

Personal Services	\$880
All Other	800

Provides funds for the per

2 diem and expenses of
3 legislative members of the
4 Mercury Products Advisory
5 Committee.

6 **LEGISLATURE**
7 **TOTAL**

\$1,680

8 **Sec. 8. Allocation.** The following funds are allocated from
9 Other Special Revenue funds to carry out the purposes of this Act.

10
11 **2000-01**

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13 **ENVIRONMENTAL PROTECTION,**
14 **DEPARTMENT OF**

15 **Solid Waste Management**

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17 Positions - Legislative Count (2,000)
18 Personal Services \$95,838
19 All Other 20,000

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21 Allocates funds for 2 additional
22 Environmental Specialist III positions and
23 operating costs necessary to administer a
24 mercury labeling program and other
25 mercury-related requirements and to provide
26 staffing assistance to the Mercury Products
27 Advisory Committee.

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29 **DEPARTMENT OF ENVIRONMENTAL**
30 **PROTECTION**
31 **TOTAL**

\$115,838' '

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35 **FISCAL NOTE**

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37 This amendment reduces the General Fund cost of the bill by
38 \$1,800 in fiscal year 2000-01.

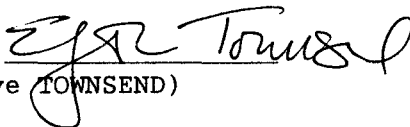
39
40 As amended, this bill includes a General Fund appropriation
41 of \$1,680 in fiscal year 2000-01 for the Legislature for the per
42 diem and expenses of legislative members of the Mercury Products
43 Advisory Committee. The estimated future costs beginning in
44 fiscal year 2001-02 will be approximately \$2,180.

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46 The additional costs associated with the payment of expenses
47 to members of the committee not otherwise compensated by their
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employers can be absorbed by the Legislature utilizing existing
budgeted resources.

SUMMARY

This amendment replaces the committee amendment. It changes the composition of the Mercury Products Advisory Committee to provide that, when making the appointments, the Speaker and the President shall give preference to members from the joint standing committee of the Legislature having jurisdiction over natural resources matters. It also provides for the reimbursement of necessary expenses incurred by public members who are not otherwise compensated by their employers.

SPONSORED BY: 
(Representative TOWNSEND)

TOWN: Portland