

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2084

S.P. 734

In Senate, March 30, 1999

**An Act to Reduce the Release of Mercury into the Environment from  
Consumer Products.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TREAT of Kennebec.  
Cosponsored by Representative SAVAGE of Buxton and  
Senators: CATHCART of Penobscot, LIBBY of York, MICHAUD of Penobscot,  
Representatives: BULL of Freeport, COWGER of Hallowell, DUPLESSIE of Westbrook,  
MARTIN of Eagle Lake, TWOMEY of Biddeford.

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

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Sec. 1. 5 MRSA §3331, sub-§8 is enacted to read:

8. Report on mercury contamination. The council shall report annually by January 15th to the joint standing committee of the Legislature having jurisdiction over natural resource matters on:

A. The extent of mercury contamination in the State's environment and the extent of any health risk from mercury contamination in the State;

B. A survey of sources and quantities of mercury discharged to or deposited into Maine's environment. This survey must include both in-state and out-of-state sources and estimates of relative contribution;

C. Methods for minimizing risk of further contamination and risk of mercury-related health problems and the potential costs of reducing such risks;

D. The effectiveness of established programs for in-state collection, transportation and recycling of mercury from waste mercury-added products and recommendations for making the programs more effective; and

E. Coordination needed with other states to effectively address mercury issues.

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

CHAPTER 16-B

MERCURY-ADDED PRODUCTS

§1661. Labeling

1. Labeling required. A manufacturer or wholesaler may not sell and a retailer may not knowingly sell any of the items listed in subsection 2 in this State if they contain mercury, unless the item is labeled to 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.

2. Mercury-added consumer products. The following items must be labeled pursuant to subsection 1 if they contain mercury:

- 2           A. A thermostat or thermometer;
- 4           B. A switch, individually or as part of another product;
- 6           C. A medical or scientific instrument;
- 8           D. An electric relay or other electrical device; and
- 10          E. A lamp.

12           The board shall adopt rules to establish standards for  
14           affixing labels, in compliance with federal law, either to the  
16           product or to the package. Rules adopted pursuant to this  
          section are routine technical rules as defined in Title 5,  
          chapter 375, subchapter II-A.

18           **§1662. Disposal ban**

20           After June 1, 2001, a person may not knowingly dispose of a  
22           labeled mercury-added consumer product in a landfill,  
          incineration facility or other solid waste disposal facility.

24           **§1663. Source separation**

26           1. Separation. Except as otherwise provided in this  
28           chapter, a person who disposes of solid waste within the State  
          shall separate labeled mercury-added consumer products from that  
30           solid waste. A contractor who replaces or removes labeled  
32           mercury-added consumer products shall ensure the proper  
          separation and disposal of any discarded mercury-added consumer  
          product.

34           2. Disposal. A person shall dispose of separated  
36           mercury-added consumer products only as part of a collection  
          program established under section 1664 or section 1665.

38           **§1664. Collection program**

40           By December 1, 2000, every municipal and regional  
42           association solid waste disposal facility shall develop a program  
44           for the collection of mercury-added consumer products. The  
46           program must ensure that mercury is removed from a product and  
          reused, recycled or otherwise managed. The program must include  
          an informational effort to advise the public about labeled  
          mercury-added products.

48           A solid waste disposal facility shall implement a collection  
50           program developed pursuant to this section by June 1, 2001.

2 **§1665. Manufacturer responsibility**

4 A manufacturer of a mercury-added consumer product listed in section 1661 shall:

6 1. Collection system. Establish and maintain a system for the proper collection, transportation and management of the product for purchasers in this State; and

10 2. Information program. Clearly inform each purchaser of the product of the available systems for proper collection and disposal of the product.

14 A manufacturer of a mercury-added consumer product listed in section 1661 may not charge a fee for collecting and managing its products.

18 **§1666. Ban on toys, games and apparel that contain mercury**

20 A person may not sell, distribute or offer for sale in this State a toy, game or item of clothing or wearing apparel that contains mercury or that contains an electric switch that contains mercury.

24 **§1667. Assistance**

26 The department and the Executive Department, State Planning Office shall assist municipalities and regional associations in developing collection programs pursuant to section 1664 and in designing and disseminating information for the public about labeled mercury-added products, the requirements of the law regarding the source separation of waste mercury-added products and the collection programs that are available to the public, including any manufacturer-based reverse distribution system. A component of this information program must be directed specifically at large public and private institutions that use and discard substantial numbers of waste mercury-added products and at any other large users of those products.

40 **Sec. 3. Rulemaking; mercury from dental procedures.** The Department of Environmental Protection shall develop a plan for reducing mercury pollution from dental procedures. In developing the plan, the department shall consult with dentists.

44 The Board of Environmental Protection shall adopt rules by October 1, 2000 to implement mandatory source reduction of mercury from dental procedures. These rules are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

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## SUMMARY

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This bill requires the Land and Water Resources Council to report annually to the joint standing committee of the Legislature having jurisdiction over natural resource matters on issues related to mercury contamination.

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The bill prohibits the sale of certain products that contain mercury unless they are labeled to inform consumers that mercury is present in the item and that the item may not be disposed of until the mercury is removed and reused, recycled or otherwise managed. Products that must be labeled are thermostats and thermometers, switches, medical or scientific instruments, electric relays and other electrical devices and lamps.

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The bill prohibits the disposal of labeled mercury-added products except as part of a collection system after June 1, 2001. It also requires the separation of labeled mercury-added products from other solid waste. It requires municipal and regional association solid waste disposal facilities to develop programs for the collection of mercury-added products by December 1, 2000 and to implement those programs by June 1, 2001. The bill requires the Department of Environmental Protection and the Executive Department, State Planning Office to assist municipalities and regional associations in developing collection programs and informing the public about mercury-added products.

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It requires manufacturers of mercury-added products to establish a system for the proper collection, transportation and management of the products and prohibits them from charging a fee for the collection system. The bill bans the sale in the State of toys, games and apparel that contain mercury.

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The bill requires the Department of Environmental Protection to develop a plan, in consultation with dentists, for reducing mercury pollution from dental procedures. It requires the Board of Environmental Protection to adopt rules to implement mandatory source reduction of mercury from dental procedures.

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