

# MAINE STATE LEGISLATURE

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MRS

L.D. 1409

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DATE: *May 29, 2001*

(Filing No. S-278 )

**NATURAL RESOURCES**

Reported by:

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**STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to S.P. 429, L.D. 1409, Bill, "An Act to Address the Health Effects of Mercury Fillings"

Amend the bill by inserting after the enacting clause and before the concept draft summary the following:

**Sec. 1. 32 MRSA §1094-C** is enacted to read:

**§1094-C. Brochure and poster**

1. Display. Beginning July 1, 2002, a dentist who uses mercury or a mercury amalgam in any dental procedure shall display the poster adopted by the Department of Human Services, Bureau of Health under this section in the public waiting area of that dentist's office and must provide each patient with a copy of the brochure adopted by the bureau under this section.

2. Rules. The Director of the Bureau of Health within the Department of Human Services shall develop a brochure that explains the potential advantages and disadvantages to oral health, overall human health and the environment of using mercury or mercury amalgam in dental procedures. The brochure must describe what alternatives are available to mercury amalgam in various dental procedures and what potential advantages and disadvantages are posed by the use of those alternatives. The brochure may also include other information that contributes to the patient's ability to make an informed decision when choosing between the use of mercury amalgam or an alternative material in

2 a dental procedure, including, but not limited to, information on  
4 the durability, cost, aesthetic quality or other characteristics  
6 of the mercury amalgam and alternative materials. The director  
8 shall also develop a poster that informs patients of the  
10 availability of the brochure.

12 The Director of the Bureau of Health shall, in consultation with  
14 the Department of Environmental Protection, adopt the brochure  
16 and the poster described in this subsection as major substantive  
18 rules pursuant to Title 5, chapter 375, subchapter II-A. The  
20 brochure and poster must be provisionally adopted and submitted  
22 to the Legislature for consideration during the Second Regular  
24 Session of the 120th Legislature. Copies of the brochure and  
26 poster must be provided to dentists in the State at cost.'

Further amend the bill by inserting at the end before the  
summary the following:

#### FISCAL NOTE

The Bureau of Health within the Department of Human Services  
will incur some minor additional costs to develop and adopt,  
through major substantive rules, a brochure and a poster that  
explain the potential advantages and disadvantages of materials  
used in dental procedures. These costs can be absorbed within  
the bureau's existing budgeted resources.

The Department of Environmental Protection will incur some  
minor additional costs to consult with the Department of Human  
Services on the development of a brochure and poster pertaining  
to the use of mercury fillings. These costs can be absorbed  
within the department's existing budgeted resources.'

#### SUMMARY

This amendment is the majority report of the Joint Standing  
Committee on Natural Resources. The amendment requires the  
Director of the Bureau of Health within the Department of Human  
Services to develop and adopt, through major substantive  
rulemaking, a brochure that explains the potential advantages and  
disadvantages of mercury amalgam and alternative materials used  
in dental procedures and a poster informing patients of the  
availability of the brochure. A dentist who uses mercury amalgam  
in dental procedures is required, after July 1, 2002, to display  
the poster in the public waiting area of that dentist's office  
and to provide each patient with a copy of the brochure. The  
brochure and the poster are required to be developed in  
consultation with the Department of Environmental Protection. It  
also adds a fiscal note to the bill.