

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

M  
A. O. S.

Majority

L.D. 1665

DATE: 5-11-01

(Filing No. H-417)

MAJORITY  
NATURAL RESOURCES

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1224, L.D. 1665, Bill, "An Act to Further Reduce Mercury Emissions from Consumer Products"

Amend the bill in section 3 in that part designated "~~§1661-A.~~" in subsection 1 by striking out all of paragraph C (page 2, lines 34 to 37 in L.D.) and inserting in its place the following:

'C. The amount of mercury in each unit of the product or product component, reported as an exact number, as an average per product or component with an upper or lower limit or as falling within a range approved by the department.'

Further amend the bill in section 3 in that part designated "~~§1661-A.~~" in subsection 3 in the last line (page 3, line 10 in L.D.) by inserting after the following: "department." the following new sentence: 'The information required under subsection 1, paragraph D must be updated and provided to the department every 3 years.'

Further amend the bill in section 3 in that part designated "~~§1661-A.~~" by inserting after subsection 4 the following:

'5. Product components. Notwithstanding subsection 1, paragraph B, the manufacturer of a product containing one or more mercury-added components is not required to include information on the purpose for which the mercury in the component is used in the notice to the department if the component manufacturer has provided that information to the department and the manufacturer of the product that contains the component identifies the component and component manufacturer in the notice.'

COMMITTEE AMENDMENT

A of S.

COMMITTEE AMENDMENT "A" to H.P. 1224, L.D. 1665

2 An importer of the product or product component from a  
4 foreign country may not sell, use or distribute the product or  
6 product component in the State unless the manufacturer of the  
8 product or product component is in compliance with this section,  
except that this prohibition does not apply to retailers for whom  
importing is not a primary business.'

10 Further amend the bill in section 3 in that part designated  
12 "~~§1661-C.~~" by striking out all of subsection 4 (page 4, lines 25  
to 41 in L.D.) and inserting in its place the following:

14 '4. Elemental mercury. Effective January 1, 2002, a person  
16 may not sell or provide elemental mercury to another person  
18 except for manufacturing or recycling purposes without providing  
20 that person with a material safety data sheet, as defined in 42  
United States Code, Section 11049, and without requiring the  
purchaser or recipient to sign a statement that the purchaser or  
recipient:

22 A. Will use the mercury only for medical, dental amalgam  
24 dispose-caps, research or manufacturing purposes;

26 B. Understands that mercury is toxic and that the purchaser  
28 will store and use it appropriately so that no person is  
exposed to the mercury; and

30 C. Will not place or allow anyone under the purchaser's  
32 control to place or cause to be placed the mercury in solid  
waste for disposal or in a wastewater treatment and disposal  
system.'

34 Further amend the bill by inserting after section 7 the  
36 following:

38 'Sec. 8. Board to amend its rules. The Board of Environmental  
40 Protection shall amend its hazardous waste management rules to  
42 include mercury thermometers in the definition of "universal  
44 waste." Prior to those changes being incorporated into the  
46 board's rules, the Department of Environmental Protection may  
develop policies or guidelines as appropriate to facilitate the  
collection and retirement of the mercury in waste mercury  
thermometers consistent with applicable laws. Rules adopted  
pursuant to this section are routine technical rules as defined  
in the Maine Revised Statutes, Title 5, chapter 375, subchapter  
II-A.'

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

R. S.

2

**'FISCAL NOTE**

4

6

8

10

The Department of Environmental Protection will incur some minor additional costs to submit certain reports to the Legislature, to conduct a program to collect and replace certain mercury-containing manometers, to revise certain rules and to participate in a certain interstate clearinghouse. These costs can be absorbed within the department's existing budgeted resources.'

12

**SUMMARY**

14

16

This amendment is the majority report of the Joint Standing Committee on Natural Resources.

18

20

22

24

The amendment revises the manufacturer notification provision of the bill. The amendment also revises proposed requirements governing the sale or transfer of elemental mercury to exempt transactions for manufacturing or recycling purposes. The amendment also authorizes the handling of mercury thermometers in a manner consistent with standards applicable to universal waste under the United States Department of Environmental Protection's hazardous waste management rules.

26

This amendment adds a fiscal note to the bill.