

MAINE STATE LEGISLATURE

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M
R. of S.

Amended

L.D. 1665

DATE: 5-11-01

(Filing No. H-418)

MINORITY
NATURAL RESOURCES

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

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

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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:

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'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;'

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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.'

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

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'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

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 by striking out all of
12 that part designated "~~§1661-B.~~" (page 3, lines 16 to 41 in L.D.)

14 Further amend the bill in section 3 in that part designated
16 "~~§1661-C.~~" by striking out all of the first line (page 3, line 43
18 in L.D.) and inserting in its place the following:

18 '~~§1661-B. Restrictions on sale and use of mercury~~'

20 Further amend the bill in section 3 in that part designated
22 "~~§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:

24 '4. Elemental mercury. Effective January 1, 2002, a person
26 may not sell or provide elemental mercury to another person
28 except for manufacturing or recycling purposes without providing
30 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:

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

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

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

44 Further amend the bill by inserting after section 7 the
 following:

46 '**Sec. 8. Board to amend its rules.** The Board of Environmental
48 Protection shall amend its hazardous waste management rules to
 include mercury thermometers in the definition of "universal
 waste." Prior to those changes being incorporated into the

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

2 board's rules, the Department of Environmental Protection may
develop policies or guidelines as appropriate to facilitate the
4 collection and retirement of the mercury in waste mercury
thermometers consistent with applicable laws. Rules adopted
6 pursuant to this section are routine technical rules as defined
in the Maine Revised Statutes, Title 5, chapter 375, subchapter
II-A.'

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

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FISCAL NOTE

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

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SUMMARY

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

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The amendment includes all the changes proposed in the
30 majority report but removes the section in the bill that requires
manufacturers who provide hospitals with products that contain
32 mercury to provide the hospital with a certificate of analysis
documenting the mercury content of the product if the hospital
34 requests that information.

36 The amendment adds a fiscal note to the bill.