

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2004

H.P. 1501

House of Representatives, December 26, 2001

An Act to Phase Out the Availability of Mercury-added Products.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator MARTIN of Aroostook and

Representatives: DUPLESSIE of Westbrook, ESTES of Kittery, KOFFMAN of Bar Harbor, TWOMEY of Biddeford, Senator: TREAT of Kennebec.

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

4 **Sec. 1. 38 MRSA §1672** is enacted to read:

6 **§1672. Phaseout of products containing mercury; exemptions**

8 **1. Definitions.** As used in this section, unless the
context otherwise indicates, the following terms have the
following meanings.

10 A. "Fabricated mercury-added product" means a product that
consists of a combination of individual components that
combine to make a single unit, including, but not limited
to, mercury-added measuring devices, lamps and switches.

16 B. "Formulated mercury-added product" means a chemical
product, including, but not limited to, laboratory
chemicals, cleaning products, cosmetics, pharmaceuticals and
coating materials, that is sold as a consistent mixture of
chemicals.

22 C. "Manufacturer" means any person, firm, association,
partnership, corporation, governmental entity, organization,
combination or joint venture that produces a mercury-added
product or an importer or domestic distributor of a
mercury-added product produced in a foreign country. In the
case of a multicomponent mercury-added product,
"manufacturer" means the last manufacturer to produce or
assemble the product. If the multicomponent product is
produced in a foreign country, the manufacturer is the
importer or domestic distributor.

32 D. Notwithstanding section 1661, subsection 1,
"mercury-added product" means a product, commodity, chemical
or product with a component that contains mercury or a
mercury compound intentionally added to the product,
commodity, chemical or component in order to provide a
specific characteristic, appearance or quality or to perform
a specific function or for any other reason. "Mercury-added
product" includes formulated mercury-added products and
fabricated mercury-added products.

42 **2. Phase-out; levels.** A person may not offer for final
sale or use or distribute for promotional purposes any
mercury-added product if the mercury content of that product
exceeds:

48 A. Beginning January 1, 2004, 1,000 milligrams for a
fabricated mercury-added product or 250 parts per 1,000,000
for a formulated mercury-added product;

2 B. Beginning January 1, 2006, 100 milligrams for a
4 fabricated mercury-added product or 50 parts per 1,000,000
 for a formulated mercury-added product; and

6 C. Beginning January 1, 2008, 10 milligrams for a
8 fabricated mercury-added product or 10 parts per 1,000,000
 for a formulated mercury-added product.

10 3. Component parts. If a product contains one or more
12 mercury-added products that are components of the product, the
14 provisions of this section are applicable to each component part
 and not to the entire product. The limits specified in
16 subsection 2 apply to each component individually and not to the
 aggregate of mercury contained in the entire product.

18 4. Fluorescent lamps. Notwithstanding subsection 2,
20 beginning January 1, 2010, the mercury content of fluorescent
22 lamps may not exceed 10 milligrams unless the manufacturer
 obtains an exemption for the fluorescent lamps pursuant to
 subsection 5.

24 5. Exemptions. A mercury-added product is exempt from the
26 limits specified in subsection 2 if the level of mercury or
28 mercury compounds contained in the mercury-added product are
30 required in order to comply with federal or state health or
 safety requirements. In order to claim exemption under this
 subsection, the manufacturer of that mercury-added product shall
 notify, in writing, the department and provide the legal
 justification for the claim of exemption.

32 A. An application for an exemption must:

34 (1) Document the basis for the requested exemption or
36 renewal of exemption;

38 (2) Describe how the manufacturer will ensure that a
40 system exists for the proper collection, transportation
 and processing of the product at the end of the
 product's useful life; and

42 (3) Document the readiness of all necessary parties to
44 perform as intended in the planned collection,
 transportation and processing system.

46 B. The department may grant with modifications or
48 conditions an application for an exemption for a product or
 category of products if the department finds that:

