

# MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 856, L.D. 1159, Bill, "An Act To Reduce Mercury Use in Measuring Devices and Switches"

Amend the bill in section 4 in subsection 6 in the blocked paragraph in the 3rd line (page 2, line 37 in L.D.) by striking out the following: "required under federal law or federal contract specification" and inserting in its place the following: 'a federal requirement'

Further amend the bill in section 4 in subsection 7 in the blocked paragraph in the last 2 lines (page 3, lines 5 and 6 in L.D.) by striking out the following: "required under federal law or federal contract specification" and inserting in its place the following: 'a federal requirement'

Further amend the bill in section 4 by striking out all of subsection 8 (page 3, lines 8 to 40 in L.D.) and inserting in its place the following:

'8. Exemptions. Subsections 6 and 7 do not apply to the sale of a mercury-added product for which an exemption is obtained under this subsection. The manufacturer or user of the product may apply for an exemption by filing a written petition with the commissioner. The commissioner may grant an exemption with or without conditions upon finding that:

COMMITTEE AMENDMENT

RCS

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2 A. The exemption is requested because the mercury-added  
3 product is required to meet specific advanced technology  
4 product specifications identified by the customer or end  
5 user of the product; or

6 B. The mercury-added product is reasonable and appropriate  
7 for a specific use. In this situation, the petitioner must  
8 demonstrate that:

10 (1) A system exists for the proper collection,  
11 transportation and processing of the product at the end  
12 of its life; and

14 (2) One of the following applies:

16 (a) Use of the product provides a net benefit to  
17 the environment, public health or public safety  
18 when compared to available nonmercury  
19 alternatives; or

20 (b) Technically feasible nonmercury alternatives  
21 are not available at comparable cost.

24 Prior to approving an exemption, the commissioner may consult  
25 with neighboring states, by means of the interstate clearinghouse  
26 under section 1671 or otherwise, to promote consistency in the  
27 way in which mercury-added products are regulated. The  
28 commissioner may request individuals receiving an exemption to  
29 maintain records and provide reasonable reports to the department  
30 that characterize mercury use. Exemptions may be granted for a  
31 term not to exceed 5 years and may be renewed upon written  
32 application if the commissioner finds that the mercury-added  
33 product continues to meet the criteria of this subsection and the  
34 manufacturer or other persons comply with the conditions of its  
35 original approval. The board shall adopt rules for processing  
36 exemption applications that provide for public participation,  
37 taking into account the role of the interstate clearinghouse.  
38 Rules adopted under this subsection are routine technical rules  
39 pursuant to Title 5, chapter 375, subchapter 2-A.'

40  
41 Further amend the bill by inserting after section 4 the  
42 following:

44 **'Sec. 5. Mercury-added thermostats.** By January 15, 2004, the  
45 Department of Environmental Protection shall submit to the Joint  
46 Standing Committee on Natural Resources a plan to significantly  
47 improve the collection of mercury-added thermostats at the end of  
48 their life. The plan must include recommendations regarding  
49 responsibility for and participation in the collection,  
50 transportation and processing of mercury-added thermostats. The

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2 Joint Standing Committee on Natural Resources may report out  
legislation relating to the collection of mercury-added  
4 thermostats during the Second Regular Session of the 121st  
Legislature.'

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**SUMMARY**

10 This amendment provides that the ban on the sale of mercury  
switches, mercury relays and certain mercury-added measuring  
12 devices and instruments does not apply if the use of the product  
is a federal requirement. The amendment also adds another method  
14 of receiving an exemption from the sales ban: an exemption may be  
granted if the exemption is requested because the mercury-added  
16 product is required to meet specific advanced technology product  
specifications. The amendment authorizes the Commissioner of  
18 Environmental Protection to require individuals who receive an  
exemption to maintain records and submit reports. The amendment  
20 also requires the Department of Environmental Protection to  
submit to the Joint Standing Committee on Natural Resources a  
22 plan to improve the collection of mercury-added thermostats. The  
Joint Standing Committee on Natural Resources is authorized to  
24 report out legislation relating to the collection of  
mercury-added thermostats during the Second Regular Session of  
the 121st Legislature.

**FISCAL NOTE REQUIRED**  
(See attached)



**121st Maine Legislature**  
**Office of Fiscal and Program Review**

**LD 1159**

**An Act To Reduce Mercury Use in Measuring Devices and Switches**

**LR 2015(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - Other Special Revenue Funds