

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 185

H.P. 136

House of Representatives, January 13, 2005

### **An Act To Amend the Law on Mercury-added Products**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KOFFMAN of Bar Harbor.  
Cosponsored by Senator COWGER of Kennebec and  
Representatives: EDER of Portland, THOMPSON of China.

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

4 **Sec. 1. 30-A MRSA §4452, sub-§5, ¶J,** as repealed and replaced  
by PL 1995, c. 58, §1, is amended to read:

6 J. Laws pertaining to junkyards, automobile graveyards and  
8 automobile recycling businesses and local ordinances  
10 regarding junkyards, automobile graveyards and automobile  
recycling businesses, pursuant to chapter 183, subchapter 1  
1 and Title 38, section 1665-A, subsection 3.

12 **Sec. 2. 38 MRSA §1661, sub-§6** is enacted to read:

14 **6. Scrap recycling facility.** "Scrap recycling facility"  
16 means a fixed location where machinery and equipment are used to  
process and manufacture scrap metal into prepared grades and  
18 whose principal product is scrap iron, scrap steel or nonferrous  
metallic scrap for sale for remelting purposes.

20 **Sec. 3. 38 MRSA §1662, sub-§1,** as enacted by PL 1999, c. 779,  
22 §2, is amended to read:

24 **1. Labeling required for certain products.** Effective  
January 1, 2002, a manufacturer may not sell at retail in this  
State or to a retailer in this State, and a retailer may not  
26 knowingly sell, a mercury-added product unless the item is  
labeled pursuant to this subsection. The label must clearly  
28 inform the purchaser or consumer that mercury is present in the  
item and that the item may not be disposed of or placed in a  
30 waste stream destined for disposal until the mercury is removed  
and reused, recycled or otherwise managed to ensure that it does  
32 not become part of solid waste or wastewater. Manufacturers  
shall affix to mercury-added products labels that conform to the  
34 requirements of this subsection.

36 The board shall adopt rules to establish standards for affixing  
labels to the product and product package. The rules must strive  
38 for consistency with labeling programs in other states and  
provide for approval of alternative compliance plans by the  
40 department. Rules adopted pursuant to this section are routine  
technical rules as defined in Title 5, chapter 375, subchapter  
42 II-A 2-A.

44 This subsection ~~does not apply~~ applies to mercury-added lamps  
46 effective January 1, 2006.

48 **Sec. 4. 38 MRSA §1665-A, sub-§3,** as enacted by PL 2001, c.  
656, §3, is repealed and the following enacted in its place:

