



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative DocumentNo. 185

H.P. 136

House of Representatives, January 13, 2005

An Act To Amend the Law on Mercury-added Products

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. Mac Jailand

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.

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 30-A MRSA 4452, sub-5, J, as repealed and replaced 4 by PL 1995, c. 58, §1, is amended to read: б J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile 8 recycling businesses, pursuant to chapter 183, subchapter I 10 1 and Title 38, section 1665-A, subsection 3. Sec. 2. 38 MRSA §1661, sub-§6 is enacted to read: 12 14 6. Scrap recycling facility. "Scrap recycling facility" means a fixed location where machinery and equipment are used to process and manufacture scrap metal into prepared grades and 16 whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes. 18 Sec. 3. 38 MRSA §1662, sub-§1, as enacted by PL 1999, c. 779, 20 §2, is amended to read: 22 1. Labeling required for certain products. Effective 24 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 knowingly sell, a mercury-added product unless the item is 26 labeled pursuant to this subsection. The label must clearly inform the purchaser or consumer that mercury is present in the 28 item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed 30 and reused, recycled or otherwise managed to ensure that it does not become part of solid waste or wastewater. Manufacturers 32 shall affix to mercury-added products labels that conform to the 34 requirements of this subsection. The board shall adopt rules to establish standards for affixing 36 labels to the product and product package. The rules must strive for consistency with labeling programs in other states and 38 provide for approval of alternative compliance plans by the department. Rules adopted pursuant to this section are routine 40 technical rules as defined in Title 5, chapter 375, subchapter II - A 2 - A. 42

- 44 This subsection does not apply <u>applies</u> to mercury-added lamps <u>effective January 1, 2006</u>.
- Sec. 4. 38 MRSA §1665-A, sub-§3, as enacted by PL 2001, c. 48 656, §3, is repealed and the following enacted in its place:

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3. Removal of certain mercury components when vehicle use 2 ends. A person may not flatten, crush or bale a motor vehicle for the purpose of sending it to a scrap recycling facility, or arrange for a motor vehicle to be flattened, baled or crushed for 4 that purpose, without first removing all mercury switches and mercury headlamps, except that a scrap recycling facility may 6 agree to accept a motor vehicle that has not been flattened, crushed or baled. If a scrap recycling facility accepts such a 8 motor vehicle, the scrap recycling facility is responsible for removing the mercury switches and mercury headlamps before the 10 vehicle is flattened, crushed, baled or shredded. Upon removal, the components must be collected, stored, transported and 12 otherwise handled in accordance with the universal waste rules adopted by the board under subsection 8. 14 Sec. 5. 38 MRSA §1665-A, sub-§5, ¶B, as enacted by PL 2001, c. 16 656, $\S3$, is amended to read: 18 Pay a minimum of \$1 \$3 for each mercury switch brought в. 20 to the consolidation facilities as partial compensation for the removal, storage and transport of the switches and a minimum of \$4 if the vehicle identification number of the 22 source vehicle must be provided to receive this payment; 24 **SUMMARY** 26 This bill: 28 30 1. Authorizes municipal code enforcement officers to enforce the prohibition on the crushing of motor vehicles without first removing any mercury switches; 32 Defines the term "scrap recycling facility" as used in 34 2. the law governing removal of mercury switches from motor vehicles; 36 3. Prohibits the sale of mercury-added lamps after January 1, 2006 unless, as currently is the case for other mercury-added 38 products, the lamps have a label indicating that they contain 40 mercury; 42 4. Clarifies the prohibition of scrapping motor vehicles without first removing any mercury switches; and 44 5. Increases the amount that automobile manufacturers must in compensation for the costs of removing the mercury 46 pay switches from motor vehicles.