

# MAINE STATE LEGISLATURE

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1  
Date: 4-5-06  
2

L.D. 2043  
(Filing No. S-561 )

3 **Natural Resources**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**  
6 **SENATE**  
7 **122ND LEGISLATURE**  
8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 787, L.D. 2043, Bill, "An Act To Further  
10 Reduce Mercury Use and Emissions "

11 Amend the bill in section 2 in subsection 6 in paragraph A in the first and 2nd lines  
12 (page 1, lines 39 and 40 in L.D.) by striking out the following: "used, released or  
13 generated" and inserting in its place the following: 'used or released'

14 Further amend the bill in section 2 in subsection 6 in paragraph B in the 3rd line  
15 (page 2, line 3 in L.D.) by striking out the following: "used, released or generated" and  
16 inserting in its place the following: 'used or released'

17 Further amend the bill in section 2 in subsection 6 in paragraph B in the last line  
18 (page 2, line 5 in L.D.) by striking out the following: "used, released or generated" and  
19 inserting in its place the following: 'used or released'

20 Further amend the bill in section 2 in subsection 6 by inserting after paragraph B the  
21 following:

22 'C. The department may keep information submitted to the department under this  
23 subsection confidential as provided under section 1310-B.'

24 Further amend the bill by inserting after section 2 the following:

25 '**Sec. 3. 38 MRSA §1310-B, sub-§2**, as amended by PL 2003, c. 661, §1 and c.  
26 689, Pt. B, §6, is further amended to read:

27 **2. Hazardous waste information and information on mercury-added products**  
28 **and electronic devices and mercury reduction plans.** Information relating to  
29 hazardous waste submitted to the department under this subchapter, information relating  
30 to mercury-added products submitted to the department under chapter 16-B or,  
31 information relating to electronic devices submitted to the department under section 1609,  
32 subsection 6, paragraph B or information relating to mercury reduction plans submitted to  
33 the department under section 585-B, subsection 6 may be designated by the person  
34 submitting it as being only for the confidential use of the department, its agents and  
35 employees, the Department of Agriculture, Food and Rural Resources and the  
36 Department of Health and Human Services and their agents and employees, other

**COMMITTEE AMENDMENT**

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COMMITTEE AMENDMENT "A" to S.P. 787, L.D. 2043

1 agencies of State Government, as authorized by the Governor, employees of the United  
 2 States Environmental Protection Agency and the Attorney General and, for waste  
 3 information, employees of the municipality in which the waste is located. The designation  
 4 must be clearly indicated on each page or other portion of information. The commissioner  
 5 shall establish procedures to ~~insure~~ ensure that information so designated is segregated  
 6 from public records of the department. The department's public records must include the  
 7 indication that information so designated has been submitted to the department, giving  
 8 the name of the person submitting the information and the general nature of the  
 9 information. Upon a request for information, the scope of which includes information so  
 10 designated, the commissioner shall notify the submitter. Within 15 days after receipt of  
 11 the notice, the submitter shall demonstrate to the satisfaction of the department that the  
 12 designated information should not be disclosed because the information is a trade secret,  
 13 or production, commercial or financial information, the disclosure of which would impair  
 14 the competitive position of the submitter and would make available information not  
 15 otherwise publicly available. Unless such a demonstration is made, the information must  
 16 be disclosed and becomes a public record. The department may grant or deny disclosure  
 17 for the whole or any part of the designated information requested and within 15 days shall  
 18 give written notice of the decision to the submitter and the person requesting the  
 19 designated information. A person aggrieved by a decision of the department may appeal  
 20 only to the Superior Court in accordance with the provisions of section 346. All  
 21 information provided by the department to the municipality under this subsection must be  
 22 confidential and not a public record under Title 1, chapter 13. In the event a request for  
 23 such information is submitted to the municipality, the municipality shall submit that  
 24 request to the commissioner to be processed by the department as provided in this  
 25 subsection.'

26

**SUMMARY**

27 This amendment removes the requirement in the bill that a mercury reduction plan  
 28 contain information related to the mercury generated by an emission source. The  
 29 amendment also provides that the Department of Environmental Protection may keep  
 30 information contained in a mercury reduction plan confidential if the information is a  
 31 trade secret or production, commercial or financial information, the disclosure of which  
 32 would impair the competitive position of the submitter and would make available  
 33 information not otherwise publicly available.

34

**FISCAL NOTE REQUIRED**

35

(See attached)

**COMMITTEE AMENDMENT**



# 122nd MAINE LEGISLATURE

LD 2043

LR 3170(02)

**An Act To Further Reduce Mercury Use and Emissions**

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

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund