

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

m

Date: 5/11/07

(Filing No. H-231)

Majority
NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1167, L.D. 1658, Bill, "An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home"

Amend the bill in section 1 in §1609 in subsection 7 in the 2nd line (page 2, line 3 in L.D.) by striking out the following: "subsections" and inserting the following: 'subsection'

Amend the bill in section 1 in §1609 by striking out all of subsection 9

Amend the bill in section 1 in §1609 in subsection 10 in the 5th to 8th lines (page 3, line 8 to 11 in L.D.) by striking out the following: "The department may provide the interstate clearinghouse with product information submitted to the department under subsection 9 and the department and the interstate clearinghouse may compile or publish analyses or summaries of such information."

Amend the bill in section 1 in §1609 in subsection 11 in the 6th line (page 3, line 17 in L.D.) by striking out the following: "2008" and inserting the following: '2009'

Amend the bill in section 1 in §1609 by inserting after subsection 12 the following:

'13. Enforcement. If there are grounds to suspect that a product is being offered for sale in violation of this section, the commissioner may request the manufacturer of the product to provide a certificate of compliance. Within 10 days of receipt of a request, the manufacturer shall:

A. Provide the commissioner with a certificate attesting that the product complies with the requirements of this section; or

B. Notify persons who sell the manufacturer's products in this State that the sale of the product is prohibited and provide the commissioner with a list of the names and addresses of those notified.

When it appears that a product has been sold, offered for sale or distributed in this State in violation of this section, the commissioner may take enforcement action in accordance with section 347-A against the product manufacturer. For the purpose of this section, "manufacturer" means any person who manufactured the final product or whose brand

COMMITTEE AMENDMENT

1 name is affixed to the product. In the case of a product that was imported into the United
2 States, "manufacturer" includes the importer or domestic distributor of the product if the
3 person who manufactured or assembled the product or whose brand name is affixed to the
4 product does not have a presence in the United States.

5 **14. Department rule-making authority; flame retardants.** If the commissioner
6 determines, in consultation with the Department of Health and Human Services, Maine
7 Center for Disease Control and Prevention, that a flame retardant is harmful to the public
8 health and the environment and an alternative to the flame retardant that is safer to the
9 public health and the environment is nationally available and the State Fire Marshal
10 determines that a safer alternative meets applicable fire safety standards, the
11 commissioner may adopt rules to prohibit the manufacture, sale or distribution in the
12 State of:

13 A. A mattress, a mattress pad or upholstered furniture intended for indoor use in a
14 home or other residential occupancy that has plastic fibers containing that flame
15 retardant; or

16 B. A television or computer that has a plastic housing containing that flame
17 retardant.

18 The commissioner's rulemaking under this subsection must be made in accordance with
19 Title 5, chapter 375, subchapter 2-A. The department shall report any rulemaking
20 undertaken pursuant to this subsection to the joint standing committee of the Legislature
21 having jurisdiction over natural resources matters. The joint standing committee of the
22 Legislature having jurisdiction over natural resources matters may submit legislation
23 relating to the department's report. For purposes of this subsection, "flame retardant"
24 means any chemical that is added to a plastic, foam or textile to inhibit flame formation.
25 Rules adopted pursuant to this subsection are routine technical rules.'

26 Amend the bill in section 1 in §1609 to renumber the subsections to read
27 consecutively.

28 SUMMARY

29 This amendment is the majority report of the Joint Standing Committee on Natural
30 Resources. The amendment:

- 31 1. Removes the use notification provision in the bill;
- 32 2. Authorizes the Commissioner of Environmental Protection to require a
33 manufacturer to provide a certificate of compliance if there are grounds to suspect that a
34 product is being offered for sale in violation of the law;
- 35 3. Makes a grammatical correction;
- 36 4. Changes the date a report is due from the department from 2008 to 2009; and
- 37 5. Authorizes the Commissioner of Environmental Protection to prohibit the
38 manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture
39 intended for indoor use in a residence and televisions or computers that contain a flame
40 retardant if the commissioner determines, in consultation with the Department of Health
41 and Human Services, Maine Center for Disease Control and Prevention, that the

COMMITTEE AMENDMENT "A" to H.P. 1167, L.D. 1658

1 prohibition is necessary to protect the public health and the environment and that a safer
2 alternative to the flame retardant is nationally available and the State Fire Marshal
3 determines that the alternative meets applicable fire safety standards.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 1658

LR 1659(02)

An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Environmental Protection and the Maine Center for Disease Control and Prevention in the Department of Health and Human Services can be absorbed utilizing existing budgeted resources.