

MAINE STATE LEGISLATURE

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L.D. 182

Date: 5/18/17 Majority

(Filing No. H- 215)

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 138, L.D. 182, Bill, "An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals"

Amend the bill in section 1 in §1609-A in subsection 1 in paragraph B in the first line (page 1, line 12 in L.D.) by striking out the following: "seating products" and inserting the following: 'furniture'

Amend the bill in section 1 in §1609-A in subsection 1 in paragraph B in the 2nd line (page 1, line 13 in L.D.) by striking out the following: "consist" and inserting the following: 'consists'

Amend the bill in section 1 in §1609-A by striking out all of subsection 2 (page 1, lines 16 to 20 in L.D.) and inserting the following:

'2. Sales prohibition. Except as otherwise provided in section 1609, subsection 4, beginning January 1, 2019, a person may not sell or offer to sell or distribute for promotional purposes upholstered furniture containing in its fabric or other covering or in its cushioning materials more than 0.1% of a flame-retardant chemical or more than 0.1% of a mixture that includes flame-retardant chemicals.'

Amend the bill in section 1 in §1609-A in subsection 3 in paragraph A in the first line (page 1, line 23 in L.D.) by striking out the following: "and"

Amend the bill in section 1 in §1609-A in subsection 3 in paragraph B in the last line (page 1, line 29 in L.D.) by striking out the following: "1991." and inserting the following: '1991; and'

Amend the bill in section 1 in §1609-A in subsection 3 by adding after paragraph B the following:

'C. New upholstered furniture otherwise subject to the prohibition in subsection 2 that is sold, offered for sale or distributed for promotional purposes in the State by a retailer or wholesaler on or after January 1, 2019 and that was imported into the State or otherwise purchased or acquired by the retailer or wholesaler for sale or distribution in the State prior to January 1, 2019.'

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 138, L.D. 182

1 Amend the bill in section 1 in §1609-A in subsection 4 in the first 2 lines (page 1,
2 lines 30 and 31 in L.D.) by striking out the following: ", including, but not limited to,
3 rules identifying the types of products that are seating products"

4 Amend the bill by adding after section 1 the following:

5 **'Sec. 2. Appropriations and allocations.** The following appropriations and
6 allocations are made.

7 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

8 **Administration - Environmental Protection 0251**

9 Initiative: Provides funding for one part-time Environmental Specialist III position to
10 monitor furniture sales and develop and oversee laboratory testing for compliance with a
11 prohibition on flame-retardant chemicals in new upholstered residential furniture.

12	GENERAL FUND	2017-18	2018-19
13	POSITIONS - FTE COUNT	0.500	0.500
14	Personal Services	\$28,581	\$40,009
15	All Other	\$25,900	\$25,900
16			
17	GENERAL FUND TOTAL	<u>\$54,481</u>	<u>\$65,909</u>
18			

19 **SUMMARY**

20 This amendment, which is the majority report of the committee, amends the bill as
21 follows:

22 1. It delays by one year to January 1, 2019 the proposed sales prohibition on new
23 upholstered furniture containing flame-retardant chemicals;

24 2. It clarifies that the prohibition applies only to flame-retardant chemicals contained
25 in the fabric or other covering or the cushioning materials of new upholstered furniture;

26 3. It allows retailers and wholesalers that have acquired new upholstered furniture
27 containing flame-retardant chemicals for sale or distribution in the State prior to the
28 effective date of the prohibition to sell, offer for sale or distribute for promotional
29 purposes that furniture after the effective date of the prohibition; and

30 4. It clarifies the rule-making authority of the Department of Environmental
31 Protection under the bill.

32 The amendment also adds an appropriations and allocations section for costs to the
33 department associated with the development and implementation of the prohibition
34 program and the coordination of laboratory testing of furniture.

35 **FISCAL NOTE REQUIRED**

36 (See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 182

LR 412(02)

An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals

Fiscal Note for Bill as Amended by Committee Amendment *A (H-215)*
Committee: Environment and Natural Resources
Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$54,481	\$65,909	\$66,896	\$68,125
Appropriations/Allocations				
General Fund	\$54,481	\$65,909	\$66,896	\$68,125

Fiscal Detail and Notes

This bill directs the Department of Environmental Protection (DEP) to adopt rules to implement a prohibition on the sale of furniture containing flame retardant chemicals. In order to effectively implement these rules, the DEP has indicated it will need to develop a product labeling and registration program for manufacturers and a product sampling and testing program for certification. The DEP estimates that 25 products at a cost of \$12,500 will be purchased annually for product sampling. The laboratory testing for the product sampling is projected to have an annual cost of \$12,500. This bill includes annual General Fund appropriations of \$25,900 starting in fiscal year 2017-18 for product purchase, testing and technology costs.

This bill also includes General Fund appropriations of \$28,581 in fiscal year 2017-18 and \$40,009 in fiscal year 2018-19 to the DEP for one part-time Environmental Specialist III position to develop and initiate the prohibition program and to coordinate laboratory testing of furniture products.