

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)

EAL
ROS

L.D. 1662

Date: 6-3-21

(Filing No. H-347)

ENVIRONMENT AND NATURAL RESOURCES

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1233, L.D. 1662, "An Act To Update
Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant
Chemicals"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Maine's Sales Prohibition on Upholstered Furniture Treated with
Flame-retardant Chemicals'

Amend the bill by striking out everything after the enacting clause and inserting the
following:

Sec. 1. 38 MRSA §1609-A, sub-§3, ¶B, as enacted by PL 2017, c. 311, §1, is
amended to read:

B. Upholstered furniture purchased for public use in public facilities, including, but
not limited to, schools, jails and hospitals, that is required by the State of California to
meet the flammability standard in California Department of Consumer Affairs, Bureau
of Home Furnishings and Thermal Insulation Technical Bulletin 133, "Flammability
Test Procedure for Seating Furniture for Use in Public Occupancies," dated January
1991; and

Sec. 2. 38 MRSA §1609-A, sub-§3, ¶C, as enacted by PL 2017, c. 311, §1, is
amended to read:

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; and

Sec. 3. 38 MRSA §1609-A, sub-§3, ¶D is enacted to read:

D. Electronic components and associated electronic component casings of upholstered
furniture that is subject to the prohibition in subsection 2.

COMMITTEE AMENDMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

Sec. 4. 38 MRSA §1609-A, sub-§3-A is enacted to read:

3-A. Retailer indemnification. If upholstered furniture delivered to a retailer in the State by the manufacturer of the upholstered furniture is subsequently determined to contain flame-retardant chemicals such that it is prohibited from sale or distribution in the State under subsection 2, the retailer is entitled to a full refund from the manufacturer with respect to that upholstered furniture, including shipping and other related costs.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill. It amends the law restricting the sale of residential upholstered furniture treated with flame-retardant chemicals to:

1. Provide that those restrictions do not apply to any electronic components and associated electronic component casings of that furniture; and
2. To include a retailer indemnification provision entitling a retailer in the State to a full refund from the manufacturer of the upholstered furniture for any upholstered furniture delivered to the retailer by the manufacturer that is subsequently determined to contain flame-retardant chemicals such that it is prohibited from sale or distribution in the State under the law.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 1662

LR 1960(02)

An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals

Fiscal Note for Bill as Amended by Committee Amendment *A(CH-347)*

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of changes to the laws restricting the sale of residential upholstered furniture are anticipated to be minor and can be absorbed within existing budgeted resources.