

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1814

H.P. 1160

House of Representatives, April 27, 2023

An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BELL of Yarmouth.
Cosponsored by Representatives: BRIDGEO of Augusta, DOUDERA of Camden,
GRAMLICH of Old Orchard Beach, SCHMERSAL-BURGESS of Mexico, WOODSOME of
Waterboro.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §1672, sub-§4-A** is enacted to read:

3 **4-A. Prohibition and exceptions.** On or after January 1, 2024, a person may not offer
4 for sale, sell or distribute as a new manufactured product a mercury-added lamp that is a
5 compact fluorescent lamp with a screw or bayonet base type. On or after January 1, 2025,
6 a person may not offer for sale, sell or distribute as a new manufactured product a mercury-
7 added lamp that is a compact fluorescent lamp with a pin base type or that is a linear
8 fluorescent lamp. This subsection does not apply to the following:

9 A. A mercury-added lamp that is designed and marketed exclusively for image capture
10 and projection, including:

11 (1) Photocopying;

12 (2) Printing, directly or in preprocessing;

13 (3) Lithography;

14 (4) Film or video projection; and

15 (5) Holography;

16 B. A mercury-added lamp that has a high proportion of ultraviolet light emission and
17 that:

18 (1) Has ultraviolet power greater than 2 milliwatts per kilolumen;

19 (2) Is designed for germicidal use, including the destruction of deoxyribonucleic
20 acid, or DNA, that emits a peak radiation of approximately 253.7 nanometers;

21 (3) Is designed and marketed exclusively for disinfection or fly trapping and from
22 which either the radiation power emitted between 250 and 315 nanometers
23 represents at least 5% of or the radiation power emitted between 315 and 400
24 nanometers represents at least 20% of the total radiation power emitted between
25 250 and 800 nanometers;

26 (4) Is designed and marketed exclusively for the generation of ozone, the primary
27 purpose of which is to emit radiation at approximately 185.1 nanometers;

28 (5) Is designed and marketed exclusively for coral zooxanthellae symbiosis and
29 from which the radiation power emitted between 400 and 480 nanometers
30 represents at least 40% of the total radiation power emitted between 250 and 800
31 nanometers; or

32 (6) Is designed and marketed exclusively for use in a sunlamp product, as defined
33 in 21 Code of Federal Regulations, Section 1040.20(b)(9) as in effect on January
34 1, 2024;

35 C. A mercury-added lamp designed and marketed exclusively for use in medical or
36 veterinary diagnosis or treatment or in a medical device;

37 D. A mercury-added lamp designed and marketed exclusively for use in the
38 manufacturing or quality control of pharmaceutical products;

39 E. A mercury-added lamp designed and marketed exclusively for spectroscopy and
40 photometric applications, such as ultraviolet-visible spectroscopy, molecular

1 spectroscopy, atomic absorption spectroscopy, nondispersive infrared spectroscopy,
2 Fourier transform infrared spectroscopy, medical analysis, ellipsometry, layer
3 thickness measurement, process monitoring or environmental monitoring;

4 F. A mercury-added lamp designed and marketed exclusively for use by academic and
5 research institutions for conducting research projects and experiments; or

6 G. A mercury-added lamp that is a compact fluorescent lamp and that is used to replace
7 a lamp in a motor vehicle that was manufactured on or before January 1, 2020.

8 The department periodically may inspect distributors or retailers in order to determine
9 compliance with the provisions of this subsection. The department shall investigate
10 complaints received concerning violations of this subsection.

11 If the department finds that a person has committed a violation of this subsection, the
12 department shall issue a warning to that person. A person who commits a violation of this
13 subsection after receipt of a warning for the same violation is subject to a civil penalty,
14 issued by the department, of up to \$100 for each violation. A further violation committed
15 by a person after a 2nd violation is subject to a civil penalty of not more than \$500 for each
16 violation. Each mercury-added lamp offered, sold or distributed in violation of this
17 subsection constitutes a separate violation.

18 If the department finds repeated violations have occurred, the department shall report the
19 violations to the Attorney General. The Attorney General may institute proceedings to seek
20 an injunction in state court to enforce the provisions of this subsection.

21 The department may adopt rules as necessary to ensure the proper implementation and
22 enforcement of the provisions of this subsection. Rules adopted pursuant to this subsection
23 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

24 **SUMMARY**

25 This bill prohibits the sale or distribution of certain mercury-added lamps and provides
26 for administrative and civil penalties for violating the prohibition.