

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

- (12) Possessing or transporting wild hares or rabbits as described in section 7462, subsection 4;
- (13) Failure to attach a moose tag to a moose as described in section 7464, subsection 6;
- (14) Use of illegal firearms as described in section 7464, subsection 8-A;
- (15) Illegal hunting methods as described in section 7464, subsection 8-C;
- (16) Failure to attach a wild turkey tag to a wild turkey as described in section 7469, subsection 7; and
- ~~(17) Use of illegal weapons or ammunition as described in section 7469, subsection 11; and~~
- (18) Taking of snakes and turtles from the wild for commercial purposes as described in section 7471;

**Sec. 19. Appropriations and allocations.**

The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Savings Fund Program**

Initiative: Appropriates funds to be used only to avoid future fee increases.

General Fund	2001-02	2002-03
All Other	\$0	\$98,100

**Sec. 20. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 12, section 7468, subsection 4 takes effect July 1, 2002, and that section that repeals Title 12, section 7469, subsection 11 takes effect June 5, 2002.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 10, 2002, unless otherwise indicated.

**CHAPTER 656**

**S.P. 719 - L.D. 1921**

**An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles**

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

**Sec. 1. 38 MRSA §1661**, as amended by PL 2001, c. 373, §2, is repealed and the following enacted in its place:

**§1661. Definitions**

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Mercury-added product.** "Mercury-added product" means any of the following items if it contains mercury added during manufacture:

- A. A thermostat or thermometer;
- B. A switch or other device, individually or as part of another product, used to measure, control or regulate gas, other fluids or electricity;
- C. A medical or scientific instrument;
- D. An electric relay or other electrical device; and
- E. A lamp.

**2. Mercury headlamp.** "Mercury headlamp" is a mercury-added lamp that is mounted on the front of a motor vehicle to illuminate the roadway.

**3. Mercury light switch.** "Mercury light switch" means a mercury switch used for the purpose of turning a light bulb or lamp on and off.

**4. Mercury switch.** "Mercury switch" means a mercury-added product that uses a liquid pool of mercury to measure, control or regulate the flow of gas, other fluids or electricity.

**5. Motor vehicle component.** "Motor vehicle component" means a mercury-added product that is a component in a motor vehicle. "Motor vehicle component" includes, but is not limited to, a mercury headlamp, a mercury light switch and a mercury switch in antilock braking systems.

**Sec. 2. 38 MRSA §1665**, as amended by PL 2001, c. 373, §4, is repealed.

**Sec. 3. 38 MRSA §1665-A** is enacted to read:

**§1665-A. Motor vehicle components**

Notwithstanding sections 1663 and 1664, this section applies to a mercury-added product that is a motor vehicle component.

**1. Prohibition on sale of new motor vehicles with mercury switches.** A person may not sell a

motor vehicle manufactured on or after January 1, 2003 if it contains a mercury switch. A motor vehicle manufacturer may apply to the commissioner for an exemption from this prohibition. The commissioner may grant an exemption upon finding that:

A. The manufacturer has provided assurance that a system exists for the proper removal and recycling of the mercury switch; and

B. Either of the following applies:

(1) Use of the mercury switch is necessary to protect public health or safety; or

(2) There are no technically feasible alternatives to the mercury switch at comparable cost.

**2. Prohibition on replacement mercury light switches.** Effective January 1, 2003, a person may not sell or distribute a mercury light switch for installation in a motor vehicle.

**3. Removal of certain mercury components when vehicle use ends.** Effective January 1, 2003, a person may not send a motor vehicle to a scrap recycling facility without first removing any mercury switch or mercury headlamp that is a component of the motor vehicle, except that a scrap recycling facility may agree to accept a motor vehicle that has not been flattened, crushed or baled knowing it contains a mercury switch or mercury headlamp, in which case the scrap recycling facility is responsible for removing that component. Upon removal, the components must be collected, stored, transported and otherwise handled in accordance with the universal waste rules adopted by the board under subsection 8.

**4. Voluntary removal of mercury light switches prior to end of vehicle use.** A motor vehicle dealer or any person engaged in motor vehicle repair or maintenance may participate in the mercury light switch removal and collection effort pursuant to subsection 5, as long as the person notifies the department before commencing removal and receives such training as may be required by the department. Any person who removes a mercury light switch from a motor vehicle before the motor vehicle is removed from service shall affix an official sticker to the motor vehicle to indicate that the switch has been removed. The stickers may be obtained from the department and must be affixed to the doorpost or other location specified by the department. A person may not install a mercury light switch into a motor vehicle to which the sticker is affixed.

**5. Motor vehicle manufacturer responsibility.** Manufacturers of motor vehicles sold in this State that contain mercury switches or mercury headlamps shall, individually or collectively, do the following:

A. By January 1, 2003, establish and maintain consolidation facilities geographically located to serve all areas of the State to which mercury switches removed pursuant to this section may be transported by the persons performing the removal. A consolidation facility may not be a facility that is licensed in the State as a new or used automobile dealership;

B. Pay a minimum of \$1 for each mercury switch brought to the consolidation facilities as partial compensation for the removal, storage and transport of the switches;

C. Ensure that mercury switches redeemed at the consolidation centers are managed in accordance with the universal waste rules adopted by the board under subsection 8; and

D. Provide the department and persons who remove motor vehicle components under this section with information, training and other technical assistance required to facilitate removal and recycling of the components in accordance with the universal waste rules adopted by the board under subsection 8, including, but not limited to, information identifying the motor vehicle models that contain or may contain mercury switches or mercury headlamps.

The goal of this collection and recycling effort is to collect and recycle at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. By September 30, 2002, motor vehicle manufacturers shall provide the department with a plan as to how they intend to comply with the requirements of this subsection.

In complying with the requirements of this subsection, manufacturers of motor vehicles shall establish a system that does not require a person who removes a mercury switch to segregate switches separately according to each manufacturer of motor vehicles from which the switches are removed.

**6. Department responsibility.** The department shall:

A. Assist those subject to the source separation requirements of this section by providing training on the universal waste rules adopted by the board under subsection 8 and by taking other steps as determined appropriate to provide for the safe removal and proper handling of motor vehicle components;

B. Design and distribute the stickers required under subsection 4; and

C. Make available to the public information concerning services to remove mercury light switches in motor vehicles.

**7. Labeling.** Effective July 15, 2002, the labeling requirements of section 1662 apply to motor vehicle components. In approving an alternative compliance plan for labeling for motor vehicles under section 1662, the commissioner shall require a motor vehicle manufacturer to apply a doorpost label listing the mercury-added products that may be components in the motor vehicle. The commissioner may not require a manufacturer to affix a label to each mercury-added component.

**8. Rulemaking.** The board shall revise the universal waste rules adopted pursuant to section 1319-O, subsection 1, paragraph F as necessary to establish standards by which mercury switches in motor vehicles may be handled as universal waste.

**9. Reporting.** Before January 1, 2003 and annually thereafter, motor vehicle manufacturers doing business in the State shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee or other charge collected on the sale of new motor vehicles for the purpose of paying the cost of carrying out the manufacturer responsibilities under subsection 5. The report must specify the amount of the fee or charge collected and how the amount of the fee or charge was determined. Before July 1, 2004 and annually thereafter, motor vehicle manufacturers shall report in writing to the department on the results of the source separation required under this section. The report must include, at a minimum, the number of mercury switches removed and recycled from motor vehicles during the previous calendar year; the estimated total amount of mercury contained in the components; and any recommendations to improve the future collection and recycling of motor vehicle components. Before January 1, 2005 and annually thereafter, the department shall report to the Mercury Products Advisory Committee on the effectiveness of the source separation required under this section, whether the partial reimbursement payment under subsection 5, paragraph B should be adjusted to increase the number of switches brought to consolidation facilities, whether other motor vehicle components should be added to the source separation efforts and whether the program should be terminated and, if so, when.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Remediation and Waste Management

Initiative: Allocates funds for the costs of establishing and administering a program to remove mercury-added components from automobiles.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$35,000

See title page for effective date.

## CHAPTER 657

H.P. 1503 - L.D. 2006

### An Act to Protect Retirement Income

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

**Sec. 1. 3 MRSA §801, sub-§1,** as amended by PL 1989, c. 133, §7, is further amended to read:

**1. Membership mandatory.** Every Legislator serving in the Legislature on or after December 3, 1986, ~~shall be~~ is a member of the Maine Legislative Retirement System, except that any Legislator who is a member of the Maine State Retirement System on December 2, 1986, may continue to be a member of that system instead of becoming a member of the Maine Legislative Retirement System, and any Legislator who is a public school teacher or an employee of the ~~Vocational Technical Institute~~ Maine Technical College System on leave of absence ~~shall continue~~ shall for the purpose of serving in the Legislature ~~continues~~ continues to be a member of the Maine State Retirement System and to have contributions deducted from the member's legislative ~~salary~~ earnable compensation as provided by Title 5, section 17701. A Legislator who is the recipient of a retirement allowance from the Maine State Retirement System ~~shall become~~ becomes a member of the Maine Legislative Retirement System, but no creditable service granted under the Maine State Retirement System ~~shall~~ may be transferred to the Maine Legislative Retirement System. A member ~~shall cease~~ ceases to be a member when the member withdraws the member's contributions, becomes a beneficiary as a result of the member's own retirement or dies.

**Sec. 2. 3 MRSA §806** is enacted to read:

#### **§806. Additional member contributions by certain members**

**1. Application.** This section applies to a Legislator who is a public school teacher or an employee of the Maine Technical College System who is on a leave of absence for the purpose of serving in the Legislature on or after July 1, 2002.

**2. Additional member contributions on difference in earnable compensation.** A Legislator