

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the Second Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Natural Resources

LD 1568

An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl

PUBLIC 610

Ethers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE GOODALL	OTP-AM	H-731 S-502 GOODALL

This bill bans the manufacture and sale of shipping pallets and products manufactured from recycled shipping pallets that contain the "deca" mixture of polybrominated diphenyl ethers, effective January 1, 2011.

Committee Amendment "A" (H-731)

This amendment replaces the bill. The amendment does the following.

1. It bans the manufacture, sale and use of products, other than shipping pallets, that are manufactured from recycled shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers.
2. Beginning January 1, 2012, it bans the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers, except for shipping pallets manufactured before January 1, 2012 that contain the "deca" mixture and shipping pallets that are manufactured from recycled shipping pallets containing the "deca" mixture.
3. It provides for an exemption process under which a manufacturer may apply to the Commissioner of Environmental Protection for an exemption to the January 1, 2012 ban. The commissioner shall grant an exemption if certain criteria are met. An exemption may not extend beyond January 1, 2013.
4. It requires a manufacturer or owner of shipping pallets that are subject to the restrictions to annually certify compliance with the restrictions to the Department of Environmental Protection.
5. It requires a manufacturer of shipping pallets containing the "deca" mixture to notify persons that sell the product of the restrictions.
6. It specifies the criteria a chemical alternative must meet in order to be used as a replacement for the "deca" mixture.
7. It authorizes information submitted to the department that is related to the manufacture, sale or use of the "deca" mixture to be designated as confidential.
8. It authorizes the department to supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of shipping pallets subject to the restrictions in the law. It requires the department to determine by January 1, 2011 whether there is reasonable basis to conclude that information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets exists. It requires the Commissioner of Environmental Protection to consider applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with the specifications of the manufacturer and industry practices.

Senate Amendment "C" To Committee Amendment "A" (S-502)

Joint Standing Committee on Natural Resources

This amendment changes the effective date for a person subject to restrictions of replacement of the "deca" mixture from January 1, 2011 to June 1, 2011. The amendment makes a technical correction to a percentage amount. The amendment narrows the prohibition on replacements for the "deca" mixture from a halogenated organic chemical that contains the element bromine, chlorine or fluorine to a brominated or chlorinated flame retardant. The amendment also requires the Department of Environmental Protection to study, within existing resources, whether the implementation of the restriction that a "deca" mixture may not be replaced with a chemical alternative that is a brominated or chlorinated flame retardant would cause a hardship to anyone that must comply with the restriction.

Enacted Law Summary

Public Law 2009, chapter 610 does the following.

1. It bans the manufacture, sale and use of products, other than shipping pallets, that are manufactured from recycled shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers.
2. Beginning January 1, 2012, it bans the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers, except for shipping pallets manufactured before January 1, 2012 that contain the "deca" mixture and shipping pallets that are manufactured from recycled shipping pallets containing the "deca" mixture.
3. It provides for an exemption process under which a manufacturer may apply to the Commissioner of Environmental Protection for an exemption to the January 1, 2012 ban. The commissioner shall grant an exemption if certain criteria are met. An exemption may not extend beyond January 1, 2013.
4. It requires a manufacturer or owner of shipping pallets that are subject to the restrictions to annually certify compliance with the restrictions to the Department of Environmental Protection.
5. It requires a manufacturer of shipping pallets containing the "deca" mixture to notify persons that sell the product of the restrictions.
6. It specifies the criteria a chemical alternative must meet in order to be used as a replacement for the "deca" mixture.
7. It authorizes information submitted to the department that is related to the manufacture, sale or use of the "deca" mixture to be designated as confidential.
8. It authorizes the department to supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of shipping pallets subject to the restrictions in the law. It requires the department to determine by January 1, 2011 whether there is reasonable basis to conclude that information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets exists. It requires the Commissioner of Environmental Protection to consider applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with the specifications of the manufacturer and industry practices.
9. It requires the Department of Environmental Protection to study, within existing resources, whether the implementation of the restriction that a "deca" mixture may not be replaced with a chemical alternative that is a brominated or chlorinated flame retardant would cause a hardship to anyone that must comply with the restriction.