

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §1609 in subsection 7 in the 2nd line (page 2, line 3 in L.D.) by striking out the following: "subsections" and inserting the following: 'subsection'

Amend the bill in section 1 in §1609 by striking out all of subsection 9

Amend the bill in section 1 in §1609 in subsection 10 in the 5th to 8th lines (page 3, line 8 to 11 in L.D.) by striking out the following: "The department may provide the interstate clearinghouse with product information submitted to the department under subsection 9 and the department and the interstate clearinghouse may compile or publish analyses or summaries of such information."

Amend the bill in section 1 in §1609 in subsection 11 in the 6th line (page 3, line 17 in L.D.) by striking out the following: "2008" and inserting the following: '2009'

Amend the bill in section 1 in §1609 by inserting after subsection 12 the following:

**13. Enforcement.** If there are grounds to suspect that a product is being offered for sale in violation of this section, the commissioner may request the manufacturer of the product to provide a certificate of compliance. Within 10 days of receipt of a request, the manufacturer shall:

A. Provide the commissioner with a certificate attesting that the product complies with the requirements of this section; or

B. Notify persons who sell the manufacturer's products in this State that the sale of the product is prohibited and provide the commissioner with a list of the names and addresses of those notified.

When it appears that a product has been sold, offered for sale or distributed in this State in violation of this section, the commissioner may take enforcement action in accordance with section 347-A against the product manufacturer. For the purpose of this section, "manufacturer" means any person who manufactured the final product or whose brand name is affixed to the product. In the case of a product that was imported into the United States, "manufacturer" includes the importer or domestic distributor of the product if the person who manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.

**14. Department rule-making authority; flame retardants.** If the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that a flame retardant is harmful to the public health and the environment and an alternative to the flame retardant that is safer to the public health and the environment is nationally available and the State Fire Marshal determines that a safer alternative meets applicable fire safety standards, the commissioner may adopt rules to prohibit the manufacture, sale or distribution in the State of:

A. A mattress, a mattress pad or upholstered furniture intended for indoor use in a home or other residential occupancy that has plastic fibers containing that flame retardant; or

B. A television or computer that has a plastic housing containing that flame retardant.

The commissioner's rulemaking under this subsection must be made in accordance with Title 5, chapter 375, subchapter 2-A. The department shall report any rulemaking undertaken pursuant to this subsection to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The joint standing committee of the Legislature having jurisdiction over natural resources matters may submit legislation relating to the department's report. For purposes of this subsection, "flame retardant" means any chemical that is added to a plastic, foam or textile to inhibit flame formation. Rules adopted pursuant to this subsection are routine technical rules.'

Amend the bill in section 1 in §1609 to renumber the subsections to read consecutively.

## SUMMARY

This amendment is the majority report of the Joint Standing Committee on Natural Resources. The amendment:

1. Removes the use notification provision in the bill;
2. Authorizes the Commissioner of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law;
3. Makes a grammatical correction;
4. Changes the date a report is due from the department from 2008 to 2009; and
5. Authorizes the Commissioner of Environmental Protection to prohibit the manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture intended for indoor use in a residence and televisions or computers that contain a flame retardant if the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that the prohibition is necessary to protect the public health and the environment and that a safer alternative to the flame retardant is nationally available and the State Fire Marshal determines that the alternative meets applicable fire safety standards.