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Legislative Document

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H.P. 377

House of Representatives, February 19, 2021

An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares

Received by the Clerk of the House on February 17, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator VITELLI of Sagadahoc and
Representatives: MATLACK of St. George, McDONALD of Stonington, PICKETT of
Dixfield, RECKITT of South Portland, TUELL of East Machias, WARREN of Hallowell.

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

2 **Sec. 1. 25 MRSA c. 318-A** is enacted to read:

3 **CHAPTER 318-A**

4 **EXPIRED MARINE FLARES**

5 **§2491. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Commissioner.** "Commissioner" means the Commissioner of Public Safety or the
9 commissioner's designee.

10 **2. Expired.** "Expired" means, with regard to a marine flare, beyond the manufacturer-
11 designated period of recommended use.

12 **3. Fire inspector.** "Fire inspector" means a person designated by the commissioner
13 to collect expired marine flares.

14 **4. Marine flare.** "Marine flare" means a device designed to produce a bright flame
15 for use as a signal or marker on the inland or coastal waters of the State or at sea.

16 **§2492. Collection program**

17 The commissioner shall establish and oversee a program for the convenient and safe
18 collection of expired marine flares pursuant to this section.

19 **1. Site collection.** The commissioner shall coordinate the following site collection
20 operations.

21 A. The commissioner shall, in coordination with a statewide association of fire chiefs,
22 identify fire departments in the State that have the capacity and willingness to accept
23 expired marine flares from members of the public. A participating fire department may
24 choose to designate the geographic area from which the fire department will accept
25 expired marine flares. A participating fire department and the commissioner shall
26 coordinate for timely pickup of the collected expired marine flares.

27 B. The commissioner shall coordinate with sponsors of annual community events that
28 choose to include expired marine flare collection as part of their events.

29 C. The commissioner shall coordinate with marinas, municipalities and groups that
30 organize events at which the public is invited to drop off expired marine flares for
31 timely collection.

32 **2. Short-term storage.** The commissioner shall provide guidance for short-term
33 storage to persons collecting expired marine flares under subsection 1 if the commissioner
34 determines that safety equipment or special procedures are required.

35 **3. Direct collection.** The commissioner shall designate fire inspectors to collect
36 expired marine flares in a timely way from individuals who fish commercially and
37 recreational boaters in the State who contact the Department of Public Safety to notify the
38 department of expired marine flares in need of disposal.

1 **§2493. Disposal program**

2 The commissioner shall establish a program for the safe, nonpolluting disposal of all
3 types of expired marine flares pursuant to this section.

4 **1. Short-term storage.** Expired marine flares collected pursuant to section 2492 that
5 require short-term storage must be stored according to standards established by the
6 Department of Public Safety.

7 **2. Sorting.** Expired marine flares collected pursuant to section 2492 must be sorted
8 by type for proper incineration.

9 **3. Incineration.** Expired marine flares sorted pursuant to subsection 2 must be
10 incinerated at temperatures that are compliant with Department of Environmental
11 Protection standards for preventing air pollution.

12 **4. Recycling.** To the extent practicable, material from incinerated expired marine
13 flares must be recycled.

14 **§2494. Education program**

15 The commissioner shall establish an education program for the public and state
16 agencies regarding expired marine flares pursuant to this section.

17 **1. Education campaign.** The Department of Public Safety shall engage in an
18 education campaign to inform the public and personnel of the Department of Public Safety,
19 the Department of Agriculture, Conservation and Forestry, the Department of Inland
20 Fisheries and Wildlife, the Department of Environmental Protection and the Department of
21 Marine Resources and other potentially interested entities about the expired marine flare
22 collection and disposal programs under this chapter, the dangers expired marine flares pose
23 to public health and the dangers expired marine flares that are improperly disposed of pose
24 to the environment and to the safety of persons and property.

25 **2. Department websites.** The Department of Public Safety shall maintain a publicly
26 accessible website supporting the education campaign under subsection 1 and serving as
27 an information resource regarding expired marine flares and their proper disposal pursuant
28 to this chapter. The Department of Public Safety, the Department of Agriculture,
29 Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the
30 Department of Environmental Protection and the Department of Marine Resources shall
31 coordinate to update their publications and publicly accessible websites that are suited for
32 the purpose with information regarding the collection and disposal of expired marine flares
33 pursuant to this chapter.

34 **3. Printed materials.** Materials published by a state agency and intended for those
35 who fish commercially or for recreational boaters must, in printings that occur on or after
36 the effective date of this subsection, include information about environmental and safety
37 concerns related to improper disposal and storage of expired marine flares. The expired
38 marine flare collection and disposal programs established pursuant to this chapter must be
39 described in these print materials, including contact information for the Department of
40 Public Safety's expired marine flare collection and disposal programs.

41 **4. State agency notification.** The commissioner shall notify other state agencies or
42 entities as the commissioner determines appropriate about the expired marine flare
43 collection and disposal programs under this chapter.

