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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 138, L.D. 182, Bill, “An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals”

Amend the bill by striking out the title and substituting the following:

'An Act To Facilitate the Sale of Safer Upholstered Furniture in the State'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 38 MRSA §1609-A is enacted to read:

§1609-A. Residential upholstered furniture

1. Definition. For the purposes of this section, unless the context otherwise indicates, "upholstered furniture" means residential furniture intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials.

2. Sales prohibition. Except as otherwise provided in section 1609, subsection 4, beginning January 1, 2019, a person may not sell or offer to sell or distribute for promotional purposes in the State new upholstered furniture unless the furniture meets the standards adopted by the department by rule in accordance with subsection 3.

3. Rules. The department shall adopt by rule standards for upholstered furniture that reduce the hazards associated with smoldering ignition, including requirements, test procedures and associated apparatuses for the testing of smolder resistance of materials used in upholstered furniture, including, but not limited to, cover fabrics, barrier materials, resilient filling materials and decking materials. Rules adopted by the department pursuant to this subsection must be consistent with the standard in the California Department of Consumer Affairs, Bureau of Electronics and Appliance Repair, Home Furnishings and Thermal Insulation's Technical Bulletin 117-2013, "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in

COMMITTEE AMENDMENT

1 Upholstered Furniture," dated June 2013. Rules adopted pursuant to this subsection are
2 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3 **Sec. 2. Department of Environmental Protection; rulemaking.** By June 1,
4 2018, the Department of Environmental Protection shall adopt rules in accordance with
5 the Maine Revised Statutes, Title 38, section 1609-A, subsection 3.

6 **Sec. 3. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

9 **Administration - Environmental Protection 0251**

10 Initiative: Provides funding for one part-time Environmental Specialist III position to
11 develop and oversee department activities related to the adoption of standards outlined in
12 the California Department of Consumer Affairs, Bureau of Electronics and Appliance
13 Repair, Home Furnishings and Thermal Insulation's Technical Bulletin 117-2013.

14	GENERAL FUND	2017-18	2018-19
15	POSITIONS - LEGISLATIVE COUNT	0.500	0.500
16	Personal Services	\$28,582	\$40,009
17	All Other	\$900	\$900
18			
19	GENERAL FUND TOTAL	<u>\$29,482</u>	<u>\$40,909</u>
20			

21 **SUMMARY**

22 This amendment, which is the minority report of the committee, replaces the bill and
23 prohibits, effective January 1, 2019, the sale, offering for sale or distribution for
24 promotional purposes in the State new upholstered furniture unless the furniture meets
25 standards for upholstered furniture, developed by the Department of Environmental
26 Protection by rule, that reduce the hazards associated with smoldering ignition. The
27 department shall, by June 1, 2018, develop the standards by rule, which must be
28 consistent with the California Department of Consumer Affairs, Bureau of Electronics
29 and Appliance Repair, Home Furnishings and Thermal Insulation's Technical Bulletin
30 117-2013.

31 The amendment also adds an appropriations and allocations section for costs to the
32 Department of Environmental Protection to develop and oversee activities related to the
33 adoption of the prohibition on the sale of new upholstered furniture that does not meet
34 Department of Environmental Protection standards.

35 **FISCAL NOTE REQUIRED**

36 **(See attached)**