

**OFFICE OF POLICY AND LEGAL ANALYSIS
BILL ANALYSIS**

TO: Members, Joint Standing Committee on Criminal Justice and Public Safety

FROM: Jane Orbeton, Legislative Analyst

DATE: April 1, 2021

LD: 514 An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares

Summary

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares. It establishes a marine flare disposal fee of 25 cents per flare to offset the costs of disposal.

Testimony

Proponents:

1. Representative McCreight sponsored the bill, testified in support and provided written testimony in support. Rep McCreight spoke of her efforts to pass a bill in prior legislative sessions and of her extensive work with local and state governments, interest groups and numerous individuals. She cited the need for safe disposal alternatives for marine flares, of the need for incineration in a high temperature incinerator and of the cost of \$41,500 for a new incinerator for the Office of the State Fire Marshal if this bill passes.
2. Representative Genevieve McDonald, who in addition to being a legislator is a commercial fisherman, and Senator Eloise Vitelli submitted written testimony in support of the bill, citing the requirements that certain vessels carry flares and the dangers of storage and potential damage to the marine ecosystem.
3. Written testimony in support of the bill was sent by Paul Plummer, harbormaster and marine resource administrator for the Town of Harpswell, Rebecca Graham for the Maine Municipal Association, the Friends of Casco Bay which cites the need for a safe method of disposal and the bill's proposed fee of 25 cents per flare, and David Kennedy for Boat Owners Association of the United States.
4. Edward Matlack of Sprue Head testified and submitted written testimony and estimated that 29,480 flares pass their approved date of use each year. Will Owen, harbormaster of Yarmouth and a Yarmouth firefighter testified in favor of the bill and spoke of the need for a safe disposal method.

Opponents:

None

Neither for nor against:

1. Joseph Thomas, State Fire Marshal, submitted written testimony and testified neither for nor against the bill. Fire Marshal Thomas spoke of having over 2 tons of expired marine flares awaiting proper disposal since his office does not have the necessary disposal unit for incineration. Fire Marshal Thomas cited a price of \$41,500 for the needed mobile thermal destruction unit.
2. Michael Allen, Associate Commissioner of the Department of Administrative and Financial Services, provided written testimony neither for nor against the bill. Mr. Allen spoke of the concerns that Maine Revenue Services (in DAFS) has regarding the 25 cent per flare fee to be paid at the time of purchase, paid to the State and deposited in the General Fund. Maine Revenue Services is concerned about the burden on smaller retailers and estimates \$11,000 for computer programming to add a line for a fee to the sales tax return.

INFORMATION REQUESTED:

1. Information was requested on current safe disposal methods and disposal of flares used in highway transportation, such as by commercial trucking companies.
2. Rep McCreight has sent information to the CJPS members stating that: (1) the biomass incinerator Ecomaine is not able to take on this disposal function, and (2) she is continuing to work on this issue and will speak with the Department of Environmental Protection regarding disposal of highway flares.