



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 430

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H.P. 339

House of Representatives, January 29, 2019

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

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.  
Cosponsored by Senator DESCHAMBAULT of York and  
Representatives: BEEBE-CENTER of Rockland, COREY of Windham, COSTAIN of  
Plymouth, McDONALD of Stonington, RECKITT of South Portland, TUCKER of Brunswick,  
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  
11 manufacturer-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  
22 chiefs, identify fire departments in the State that have the capacity and willingness to  
23 accept expired marine flares from members of the public. A participating fire  
24 department may choose to designate the geographic area from which the fire  
25 department will accept expired marine flares. A participating fire department and the  
26 commissioner shall coordinate for timely pickup of the collected expired marine  
27 flares.

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

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

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

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

5           **§2493. Disposal program**

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

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

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

13           **3. Incineration.** Expired marine flares sorted pursuant to subsection 2 must be  
14 incinerated at temperatures that are safe within Department of Environmental Protection  
15 standards for preventing air pollution.

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

18           **§2494. Education program**

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

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

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

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

8           **4. State agency notification.** The commissioner shall notify other state agencies or  
9 entities as the commissioner determines appropriate about the expired marine flare  
10 collection and disposal program under this chapter.

11   **SUMMARY**

12           This bill establishes within the Department of Public Safety programs for the  
13 collection and disposal of expired marine flares and for education of the public and state  
14 agency personnel regarding expired marine flares.