

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 377 - L.D. 514

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

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

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

CHAPTER 318-A

EXPIRED MARINE FLARES

§2491. Definitions

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

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

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

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

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

§2492. Collection program

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

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

A. The commissioner shall, in coordination with a statewide association of fire chiefs, identify fire departments in the State that have the capacity and willingness to accept

expired marine flares from members of the public. A participating fire department may choose to designate the geographic area from which the fire department will accept expired marine flares. A participating fire department and the commissioner shall coordinate for timely pickup of the collected expired marine flares.

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

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

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

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

§2493. Disposal program

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

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

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

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

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

§2494. Education program

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

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

2. Department websites. The Department of Public Safety shall maintain a publicly accessible website supporting the education campaign under subsection 1 and serving as

an information resource regarding expired marine flares and their proper disposal pursuant to this chapter. The Department of Public Safety, the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection and the Department of Marine Resources shall coordinate to update their publications and publicly accessible websites that are suited for the purpose with information regarding the collection and disposal of expired marine flares pursuant to this chapter.

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

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