

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

K
ROS

L.D. 1519

Date:

6/2/25

(Filing No. H-412)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1004, L.D. 1519, "An Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 38 MRSA §1306, sub-§8 is enacted to read:

8. Electronic smoking devices. Beginning on the date that an approved electronic smoking device stewardship plan is first implemented by a producer or electronic smoking device stewardship organization pursuant to section 1617, subsection 8, a person may not dispose of an electronic smoking device except in accordance with an electronic smoking device stewardship program implemented under section 1617 or by delivery to a licensed hazardous waste transporter.

This subsection may not be construed to affect existing laws, rules or regulations governing the disposal of electronic smoking devices prior to the date that an approved electronic smoking device stewardship plan is first implemented by a producer or electronic smoking device stewardship organization pursuant to section 1617, subsection 8.

As used in this subsection, "electronic smoking device," "electronic smoking device stewardship organization," "electronic smoking device stewardship plan," "electronic smoking device stewardship program" and "producer" have the same meanings as in section 1617, subsection 1.'

Amend the bill in section 1 in §1617 in subsection 1 by inserting after paragraph A the following:

'B. "Collection location" means a location that is approved by a stewardship organization to participate in the collection of unwanted electronic smoking devices.'

Amend the bill in section 1 in §1617 in subsection 1 by inserting after paragraph E the following:

'F. "Municipality" means a city, town, township, village, plantation or county; a refuse disposal district under chapter 17; or a regional association.'

ROS

Amend the bill in section 1 in §1617 in subsection 1 by inserting after paragraph H the following:

I. "Retailer" means any of the following persons that sell or offer for sale electronic smoking devices:

- (1) A tobacco retailer, as defined in Title 22, section 1551, subsection 3-A;
- (2) A caregiver retail store, as defined in Title 22, section 2421-A, subsection 12;
- (3) A registered dispensary, as defined in Title 22, section 2421-A, subsection 41;
- and
- (4) A cannabis store, as defined in Title 28-B, section 102-A, subsection 16.'

Amend the bill in section 1 in §1617 in subsection 1 by relettering the paragraphs to read alphabetically.

Amend the bill in section 1 in §1617 in subsection 2 in paragraph A in the 5th line (page 2, line 10 in L.D.) by inserting after the following: "must" the following: 'at a minimum,'

Amend the bill in section 1 in §1617 in subsection 2 in paragraph A in the last line (page 2, line 14 in L.D.) by inserting after the following: "collection," the following: 'The program must also be designed to:'

Amend the bill in section 1 in §1617 in subsection 2 by inserting after paragraph A the following:

'(1) Within 90 days of receiving a request from a municipality or a federally recognized Indian tribe, nation or band in the State to participate in the program as a collection location, allow for such participation and provide to the municipality or Indian tribe, nation or band all appropriate collection receptacles for unwanted electronic smoking devices and all staff training necessary to manage the collection location. A collection location under this subparagraph may be located at a transfer station, fire station or police station;

(2) Within 90 days of receiving a request from a public or private school to participate in the program as a collection location, allow for such participation and provide to the school all appropriate collection receptacles for unwanted electronic smoking devices and all staff training necessary to manage the collection location. A collection location under this subparagraph must be designed to collect unwanted electronic smoking devices from school faculty and devices confiscated from students;

(3) Within 90 days of receiving a request from a retailer to participate in the program as a collection location, allow for such participation and provide to the retailer all appropriate collection receptacles for unwanted electronic smoking devices and all staff training necessary to manage the collection location;

(4) Within 3 years following the date on which the stewardship plan is approved by the department pursuant to subsection 7, ensure that all retailers in the State are participating in the program as collection locations; and

(5) Ensure that each collection receptacle provided by the stewardship organization to a collection location is emptied and serviced as often as necessary

ROS

1 to avoid the receptacle's reaching storage capacity and to ensure proper operation
2 of the receptacle.'

3 Amend the bill in section 1 in §1617 in subsection 2 by inserting after paragraph D the
4 following:

5 'E. The program must provide a financial incentive with a minimum value of \$2 to a
6 person for each unwanted electronic smoking device returned by the person to a
7 collection location, except that a person may not receive a financial incentive for more
8 than 2 devices returned to a collection location in a single day.'

9 Amend the bill in section 1 in §1617 in subsection 3 in the first line (page 2, line 30 in
10 L.D.) by inserting after the following: "sale" the following: ': retailer participation'

11 Amend the bill in section 1 in §1617 by inserting after subsection 3 the following:

12 'Within 3 years following the date on which the stewardship plan is approved by the
13 department pursuant to subsection 7, all retailers in the State shall participate in the program
14 as collection locations, and the stewardship organization shall notify the department of any
15 retailer that refuses to participate as a collection location within 90 days of that refusal.'

16 Amend the bill in section 1 in §1617 by striking out all of subsection 4 (page 2, lines
17 35 to 37 in L.D.) and inserting the following:

18 '4. Collection location participation fees prohibited. An electronic smoking device
19 stewardship program may not charge a person a fee to participate in the program as a
20 collection location.'

21 Amend the bill in section 1 in §1617 in subsection 5 in the 3rd line (page 2, line 40 in
22 L.D.) by inserting after the following: "devices;" the following: 'financial incentives for the
23 return of unwanted electronic smoking devices to collection locations as described in
24 subsection 2, paragraph E.'

25 Amend the bill in section 1 in §1617 in subsection 5 in the 4th line (page 2, line 41 in
26 L.D.) by inserting after the following: "any" the following: 'other'

27 Amend the bill in section 1 in §1617 in subsection 6 in paragraph B in subparagraph
28 (2) in the last line (page 3, line 20 in L.D.) by striking out the following: "and"

29 Amend the bill in section 1 in §1617 in subsection 6 in paragraph B in subparagraph
30 (3) in the last line (page 3, line 23 in L.D.) by inserting after the following: "devices;" the
31 following: 'and'

32 Amend the bill in section 1 in §1617 in subsection 6 in paragraph B by inserting after
33 subparagraph (3) the following:

34 '(4) How the collection system will ensure that each collection receptacle provided
35 by the stewardship organization to a collection location will be emptied and
36 served as often as necessary to avoid the receptacle's reaching storage capacity
37 and to ensure proper operation of the receptacle.'

38 Amend the bill in section 1 in §1617 in subsection 7 in the last line (page 4, line 41 in
39 L.D.) by inserting after the following: "plan;" the following: 'Within 30 days of approval
40 by the department of a submitted stewardship plan, or approval of an amendment to a
41 previously approved stewardship plan submitted pursuant to subsection 9, the department

ROS

1 shall publish the approved stewardship plan, or an approved amendment to a previously
 2 approved stewardship plan, on the department's publicly accessible website.'

3 Amend the bill in section 1 in §1617 by striking out all of subsection 8 (page 4, lines
 4 42 and 43 and page 5, lines 1 and 2 in L.D.) and inserting the following:

5 **'8. Implementation of plan.** A producer or stewardship organization that submitted
 6 a stewardship plan under subsection 6 that was approved by the department under
 7 subsection 7 shall implement the plan no later than 180 days after the date the plan was
 8 approved.'

9 Amend the bill in section 1 in §1617 in subsection 9 in paragraph B in the 10th line
 10 (page 5, line 25 in L.D.) by striking out the following: "financial" and inserting the
 11 following: 'additional financial or other'

12 Amend the bill by inserting after section 1 the following:

13 **'Sec. 2. Appropriations and allocations.** The following appropriations and
 14 allocations are made.

15 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

16 **Remediation and Waste Management 0247**

17 Initiative: Provides funding to establish one Environmental Specialist III position and
 18 associated position costs.

19 OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
20 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
21 Personal Services	\$0	\$112,482
22 All Other	\$0	\$8,992

23			
24 OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$121,474</u>	

25 **Remediation and Waste Management 0247**

26 Initiative: Provides one-time funding for one limited-period Environmental Specialist III
 27 position and associated position costs.

28 GENERAL FUND	2025-26	2026-27
29 POSITIONS - LEGISLATIVE COUNT	1.000	0.000
30 Personal Services	\$104,480	\$0
31 All Other	\$5,000	\$0

32			
33 GENERAL FUND TOTAL	<u>\$109,480</u>	<u>\$0</u>	

34
 35 **ENVIRONMENTAL PROTECTION,**
 36 **DEPARTMENT OF**
 37 **DEPARTMENT TOTALS**

38			
39 GENERAL FUND	2025-26	2026-27	
40 OTHER SPECIAL REVENUE FUNDS	\$109,480	\$0	
41	\$0	\$121,474	
42 DEPARTMENT TOTAL - ALL FUNDS	<u>\$109,480</u>	<u>\$121,474</u>	

1
2 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
3 number to read consecutively.

4 **SUMMARY**

5 This amendment amends the electronic smoking device stewardship program law
6 proposed in the bill as follows.

7 1. It adds definitions for "collection location," "municipality" and "retailer." "Retailer"
8 is defined to mean any of the following persons that sell or offer for sale electronic smoking
9 devices: tobacco retailers; caregiver retail stores and registered dispensaries under the
10 Maine Medical Use of Cannabis Act; and cannabis stores under the Cannabis Legalization
11 Act.

12 2. It clarifies requirements for the collection system to be implemented under an
13 electronic smoking device stewardship program, including by requiring that, within 3 years
14 following the date on which the stewardship plan for a program is approved by the
15 Department of Environmental Protection, all retailers in the State must participate in the
16 program as collection locations.

17 3. It requires an electronic smoking device stewardship program to provide a financial
18 incentive with a minimum value of \$2 to a person for each unwanted electronic smoking
19 device returned by the person to a collection location, except that a person may not receive
20 a financial incentive for more than 2 devices returned to a collection location in a single
21 day.

22 4. It clarifies that a producer or stewardship organization that submitted an electronic
23 smoking device stewardship plan that was approved by the department must implement
24 that plan no later than 180 days after the date the plan was approved.

25 The amendment also amends the waste management laws to provide that, beginning
26 on the date that an approved electronic smoking device stewardship plan is first
27 implemented by a producer or electronic smoking device stewardship organization, a
28 person may not dispose of an electronic smoking device except in accordance with an
29 electronic smoking device stewardship program or by delivery to a licensed hazardous
30 waste transporter.

31 **FISCAL NOTE REQUIRED**

32 (See attached)

**132nd MAINE LEGISLATURE****LD 1519****LR 2253(02)****An Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products****Fiscal Note for Bill as Amended by Committee Amendment****Committee: Environment and Natural Resources****Fiscal Note Required: Yes****A (H-412)**

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$109,480	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$109,480	\$0	\$0	\$0
Other Special Revenue Funds	\$0	\$121,474	\$123,554	\$128,551
Revenue				
Other Special Revenue Funds	\$0	\$100,000	\$100,000	\$100,000

Fiscal Detail and Notes

This bill requires that, on or before November 1, 2026, producers of electronic smoking devices must individually or through the creation of a stewardship organization, submit to the Department of Environmental Protection (DEP) a plan to manage unwanted electronic smoking devices sold by the producer at the end of the device's life.

The DEP has indicated that while the costs of administering the oversight of the stewardship program will eventually be funded by the annual fees paid beginning in fiscal year 2026-27, certain provisions of the bill will require the department to undertake activities in fiscal year 2025-26 that would require additional staffing and resources. Accordingly, the bill includes one-time General Fund appropriations of \$109,480 in fiscal year 2025-26 for one Environmental Specialist III position and associated costs.

This position and associated costs are expected to be partially funded by the fees paid by the stewardship program participants. Because the bill caps the administrative fees charged by the department at \$100,000 annually, additional allocations from existing resources will be required to fully fund the position costs. The bill includes ongoing Other Special Revenue Funds allocations of \$121,474 starting in fiscal year 2026-27 to authorize these expenditures.