

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 108, L.D. 145, Bill, "An Act to Encourage Recycling of Lead-acid Batteries"

Amend the bill by inserting at the beginning of the first line after the enacting clause (page 1, line 3 in L.D.) the following: 'Sec. 1.'

Further amend the bill in that part designated "~~§1604.~~" in subsection 1 by striking out all of the first 2 lines (page 1, lines 11 to 12 in L.D.) and inserting in their place the following:

'1. Disposal. No person may dispose of a lead-acid battery by burial, incineration, deposit or dumping so that the battery or any of its constituents may enter the environment or be emitted into the air or discharged into any waters.'

Further amend the bill in that part designated "~~§1604.~~" in subsection 2 by striking out all of paragraph B and inserting in its place the following:

'B. If a used lead-acid battery is not exchanged at the time of sale, collect a \$10 deposit on the new battery.'

(1) The deposit shall be returned to the customer when the customer delivers a used lead-acid battery within 7 days of the date of sale.

(2) All funds received by a dealer as a deposit on a lead-acid battery shall be held in trust and separately accounted for by the retailer. Any interest on those funds shall inure to the benefit of the retailer. Annually on July 1st, all deposits not returned to customers in exchange for lead-acid batteries during the previous year ending June 30th shall inure to the benefit of the retailer; and'

1 Further amend the bill in that part designated "\$1604." in
3 subsection 2, in paragraph C by striking out all of subparagraph
the following:

5
7 '(3) "It is illegal to dump, bury or incinerate a
motor vehicle lead-acid battery or other lead-acid
battery."'

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11 Further amend the bill in that part designated "\$1604." in
13 subsection 2 in paragraph C by striking out all of the last
blocked paragraph (page 2, lines 24 to 26 in L.D.)

15 Further amend the bill by inserting before the statement of
fact the following:

17 '5. Violations. Any person who does not abide by this
section commits a civil violation subject to section 349.'

19
21 **Sec. 2. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

23 1989-90 1990-91

25 **ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

27 **Solid Waste Management**

29	Positions	(1/2)	(1/2)
31	Personal Services	\$13,157	\$14,179
	All Other	2,460	2,651
33	Capital Expenditures	3,000	

35 Provides funds for a
37 part-time Environmental
Specialist II position and
39 general operating expenses to
provide technical assistance
41 for the recycling of
lead-acid batteries.

43 **DEPARTMENT OF ENVIRONMENTAL
PROTECTION**
45 **TOTAL**

	\$18,617	\$16,830
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47 **FISCAL NOTE**

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51 Enactment of this legislation would result in a General Fund
53 appropriation to the Department of Environmental Protection,
Solid Waste Management, Acct. #01531.6, in the amount of \$18,617
55 for fiscal year 1989-90 and \$16,830 for fiscal year 1990-91.'

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STATEMENT OF FACT

This amendment prohibits the incineration or burial of lead-acid batteries. This prohibition maintains the intent of the original bill but allows all existing private recycling activities to proceed uninterrupted.

The amendment also clarifies the deposit provisions to allow purchasers of new batteries a grace period to return their old batteries and be reimbursed for their deposit.

The amendment also eliminates the provisions of the original bill which required 80% of unclaimed deposits to be paid to the State. The amendment allows the battery retailer to keep any unclaimed deposits. The amendment also eliminates any administrative role for the State in the battery deposit system.

It is the intent of the Committee on Energy and Natural Resources that the general penalty provisions of the environmental protection statutes in the Maine Revised Statutes, Title 38, apply to the battery deposit system.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
4/7/89

(Filing No. H-56)