

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 145

H.P. 108

House of Representatives, February 14, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Representative CAHILL of Mattawamkeag, Representative DEXTER of Kingfield and Senator KANY of Kennebec.

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STATE OF MAINE

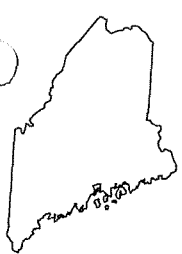
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act to Encourage Recycling of Lead-acid Batteries.

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

3               **38 MRSA §1604** is enacted to read:

5       **§1604. Lead-acid batteries**

7               For the purposes of this section, "lead-acid battery" means  
9       a device designed and used to store electrical energy through  
11       chemical reactions involving lead and acid.

11              **1. Disposal.** No person may dispose of a lead-acid battery  
13       except by delivery to the following:

15              A. An automotive battery retailer or wholesaler;

17              B. A recycling or waste facility authorized to handle used  
19       lead-acid batteries under section 1310-N or section 1319-R;

21              C. A collection or recycling facility outside of the State,  
23       properly licensed under the laws of that state; or

25              D. A secondary lead smelter permitted by the United States  
27       Environmental Protection Agency.

29              **2. Lead-acid battery retailers.** A person selling or  
31       offering for retail sale lead-acid batteries shall:

33              A. Accept, at the point of transfer, used lead-acid  
35       batteries in reasonably clean and unbroken condition from  
37       customers in a quantity at least equal to the number of new  
39       batteries purchased;

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

45              (1) The deposit shall be returned to the customer when  
47       the battery of a used vehicle is delivered to the  
49       dealer by that customer within 7 days of the date of  
51       purchase.

53              (2) All funds received by a dealer as a deposit on a  
55       lead-acid battery shall be held in trust and separately  
57       accounted for by the retailer. Any interest on those  
59       funds shall inure to the benefit of the retailer and  
61       shall not be subject to attachment or other process.  
63       In the event of the insolvency of the retailer, or if  
65       the retailer for any reason ceases doing business as a  
67       retailer, the funds shall be paid over to the State for  
69       the purpose of administering this section. Each  
71       lead-acid battery retailer shall annually during the  
73       month of July pay over to the State 80% of all deposits  
75       not returned to customers in exchange for lead-acid

1 batteries during the previous year ending June 30th.  
3 The remaining 20% of the deposits shall inure to the  
5 benefit of the retailer on the day of remittance to the  
7 State. The board shall adopt rules to administer this  
9 provision; and

11 C. Post an 8 1/2" x 11" written notice that includes the  
13 display of the universal recycling symbol and the following  
15 language.

17 (1) "State law requires us to accept motor vehicle  
19 batteries or other lead-acid batteries for recycling in  
21 exchange for new batteries purchased".

23 (2) "A deposit of \$10 will be charged for each new  
25 lead-acid battery that is not exchanged with an old  
27 lead-acid battery".

29 (3) "It is illegal to dispose of a motor vehicle  
31 battery or other lead-acid battery".

33 (4) "Recycle your used batteries".

35 Any person who fails to post written notice as required in  
37 this subsection commits a civil violation for which a  
39 forfeiture not to exceed \$100 per day may be adjudged.

41 3. Lead-acid battery wholesalers. Any person selling new  
43 lead-acid batteries at wholesale shall accept, at the point of  
45 transfer, in a quantity at least equal to the number of new  
47 lead-acid batteries purchased, used lead-acid batteries in  
49 reasonably clean and unbroken condition from customers. A person  
51 accepting lead-acid batteries in transfer from an automotive  
battery retailer shall be allowed a period, not to exceed 90  
days, to remove batteries from the retail point of collection.

4. Inspection and enforcement. The Department of  
Environmental Protection shall produce, print and distribute  
notices required under subsection 2. The department shall  
enforce the provisions of this section and may inspect places,  
buildings or premises governed by this section.

## STATEMENT OF FACT

This bill assures that used vehicle batteries are managed in a safe and controllable manner. It prohibits the disposal of lead-acid batteries except through a battery retailer or wholesaler, a licensed facility or a secondary lead smelter.

1       Specifically, this bill requires battery retailers and  
2       wholesalers to accept a used battery when a new battery is  
3       purchased and requires a retailer to post a notice of this  
4       requirement. Batteries may be deposited at licensed recycling  
5       facilities. The bill also requires a \$10 deposit on all new  
6       batteries when an old battery is not brought in for exchange.  
7       The Department of Environmental Protection is responsible for  
8       enforcing the provisions of this bill.