

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1278

H.P. 887

House of Representatives, March 25, 1991

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative TREAT of Gardiner.

Cosponsored by Representative COLES of Harpswell and Representative HOGLUND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Establish a Household Battery Collection Program.



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

4 Sec. 1. 5 MRSA §1812-E is enacted to read:

6 §1812-E. Rechargeable batteries

8 All state agencies shall purchase, to the maximum extent
10 practicable, rechargeable household batteries rather than
12 nonrechargeable batteries. For purposes of this section,
"rechargeable batteries" means dry cell batteries that are
designed so that the chemical reaction that creates energy can be
reversed, enabling the battery to be recharged.

14 Sec. 2. 38 MRSA §§1608 and 1609 are enacted to read:

16 §1608. Household batteries

18 1. Definitions. As used in this section, unless the
20 context otherwise indicates, the following terms have the
following meanings.

22 A. "Household batteries" means disposable or rechargeable
24 dry cell batteries commonly used as power sources for
26 household or consumer products composed of the following
28 materials: nickel-cadmium, alkaline, mercuric oxide, silver
oxide, zinc oxide, lithium and carbon zinc but excluding
lead-acid batteries.

30 2. Refund value. Every household battery sold or offered
for sale in this State shall have a refund value of 10¢.

32 3. Payment of refund value. Refunds are paid as follows.

34 A. A retailer must accept any waste household battery of
36 the design, shape, size, composition and brand sold by the
retailer and shall pay to the redeemer the refund value of
each waste household battery as established by subsection 2.

38 B. A distributor must accept from a retailer any waste
40 household battery of the design, shape, size, composition
42 and brand sold by the distributor at least in the quantity
of new household batteries delivered to the retailer and
44 shall pay the retailer the refund value of each waste
household battery as established by this section.

46 C. A battery manufacturer or importer must accept from a
48 retailer or distributor any waste household battery of the
design, shape, size, composition and brand sold by the
50 battery manufacturer or importer and shall pay the retailer
or distributor the refund value of the waste household
52 battery as established by subsection 2.

2 D. A battery manufacturer or importer, or a duly authorized
4 agent, may contract with a redemption center to accept waste
6 household batteries on behalf of the manufacturer or
8 importer from retailers or distributors. The battery
10 manufacturer or importer shall pay the redemption center the
12 refund value, established by subsection 2, of any waste
14 household battery of the design, shape, size, composition
16 and brand sold by the battery manufacturer or importer and
18 accepted on its behalf by the redemption center.

20 E. A redemption center acting on behalf of a manufacturer
22 or importer, pursuant to contractual agreement, shall accept
24 from a retailer or distributor any waste household battery
26 subject to the requirements of this section of the design,
28 shape, size, composition and brand sold by the manufacturer
30 or importer and shall pay the retailer or distributor the
32 refund value of each waste battery as established by this
34 section.

36 4. Initiation of refund value. Refund values must be
38 initiated by the battery manufacturer or importer, unless
40 otherwise determined by the board by rule.

42 5. Handling fee. In addition to the refund value paid
44 pursuant to this section, a battery manufacturer or importer
46 shall pay distributors, retailers or, by contractual agreement,
48 redemption centers a handling fee equivalent to the actual
50 transportation, shipping or freight charges incurred in the
52 movement of waste household batteries from a distributor or
retailer to the designated receiving area of the manufacturer or
importer. A manufacturer or importer may designate a redemption
center as the proper receiving area. The mode of transportation,
common carrier or shipper must be determined by the manufacturer
or importer.

6. Product requirements. Every household battery sold or
offered for sale in this State shall clearly indicate the refund
value of the battery and the words "MAINE" or the letters "ME."

7. Illegal acts. It is unlawful for any distributor to
return waste household batteries to a retailer for refund value
if that distributor previously accepted those batteries from any
retailer.

8. Local redemption centers. Local household battery
redemption centers may be established and operated by any person
or municipality, agency or regional association at which
consumers may return household batteries to serve local
retailers, distributors, battery manufacturers or battery
importers. These centers are subject to approval by the
department.

2 9. Disposal ban. After August 1, 1993, a person may not
dispose of any household battery by incineration.

4 10. Effective date. Except as otherwise indicated, this
section takes effect February 1, 1993.

6 11. Penalty. A violation of this section by any person is
8 a civil violation for which a forfeiture of not more than \$200
may be adjudged.

10 12. Administration. The Department of Agriculture, Food
12 and Rural Resources shall administer this section.

14 §1609. Nonremovable batteries

16 1. Ban on nonremoveable batteries. A person may not sell
18 or offer for sale in this State any consumer product that
contains a household battery unless that battery can be easily
20 removed by the consumer or is contained in a battery pack that is
separate from the product and can be easily removed. For the
22 purposes of this section, household batteries means dry cell
batteries composed of nickel-cadmium, alkaline, mercuric oxide,
24 silver oxide, zinc oxide, lithium and carbon zinc that are used
as power sources for household or consumer products.

26 2. Exemption. The commissioner may exempt products from
the provisions of this section upon application from the
28 manufacturer if the product:

30 A. Can not reasonably be redesigned and manufactured to
32 comply with this section; or

34 B. Is used for medical purposes and is designed to be
implanted in the body.

36 3. Effective date. This section takes effect on February
1, 1994.

38 4. Penalty. A violation of this section by any person is a
40 civil violation for which a forfeiture of not more than \$200 may
be adjudged.

42 5. Administration. The Department of Agriculture, Food and
44 Rural Resources shall administer this section.

46 Sec. 3. 38 MRSA §2139, sub-§3 is enacted to read:

48 3. Household and rechargeable batteries. The office shall
develop and disseminate educational material designed to educate
50 the public on household battery recycling and deposits and
rechargeable household batteries.

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