

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1904

H.P. 1317

House of Representatives, May 23, 1991

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

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

EDWIN H. PERT, Clerk

Presented by Representative BUTLAND of Cumberland.  
Cosponsored by Senator TITCOMB of Cumberland.

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STATE OF MAINE

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

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An Act to Develop and Implement a Statewide System to Collect and  
Dispose of Household Hazardous Products.

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(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, current law requires the establishment of a  
6 statewide household hazardous waste collection and disposal  
program by July 1, 1991; and

8  
Whereas, this legislation provides funding needed to  
10 implement this program; and

12  
Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
14 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
16 safety; now, therefore,

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

20 **Sec. 1. 36 MRSA §1811, first ¶, as repealed and replaced by PL**  
1989, c. 871, §16, is amended to read:

22  
A tax is imposed on the value of all tangible personal  
24 property and taxable services sold at retail in this State. The  
rate of tax is 10% on the value of liquor sold in licensed  
26 establishments as defined in Title 28-A, section 2, subsection  
15, in accordance with Title 28-A, chapter 43; 7% on the value of  
28 rental of living quarters in any hotel, rooming house, tourist or  
trailer camp and rental for a period of less than one year of an  
30 automobile; and 5% on the value of all ~~other~~ tangible personal  
property and taxable services. The rate of tax on household  
32 hazardous products, as defined pursuant to Title 38, section  
2164-A, is one percent greater than the rate on tangible personal  
34 property. Value is measured by the sale price, except as  
otherwise provided.

36 **Sec. 2. 38 MRSA §2141 is enacted to read:**

38 **§2141. Household hazardous waste collection and management**

40  
The office may make grants to eligible municipalities and  
42 regional associations for the construction of public household  
hazardous waste collection facilities and the purchase of  
44 equipment to collect, recycle and dispose of household hazardous  
46 wastes. These grants may include, but are not limited to, waste  
oil burners.

48 **Sec. 3. 38 MRSA §2164, as enacted by PL 1989, c. 585, Pt. A,**  
§7, is amended to read:

50 **§2164. Household and small generator hazardous waste**

52

2 The office shall develop and implement by July 1, 1991 1993,  
a statewide system for the collection and disposal of hazardous  
4 waste generated by households, public and private nonprofit  
institutions and small quantity generators. The office may  
6 establish fees to offset collection, recycling and disposal costs  
of public and private institutions and small quantity generators.

8 Sec. 4. 38 MRSA §2164-A is enacted to read:

10 **§2164-A. Household hazardous products**

12 **1. Product identification.** The office shall adopt rules  
implementing this section, including, but not limited to, a list  
14 of household hazardous products. Rules must be adopted in  
accordance with the Maine Administrative Procedure Act and in  
16 consultation with the department, the Bureau of Taxation and  
distributors of household hazardous products.

18 **2. Consumer education.** The office shall, in consultation  
20 with associations of retailers of this State, establish a program  
to:

22 **A. Provide information to retailers concerning the**  
24 **household hazardous products specified by rule and**  
**alternatives to those products;**

26 **B. Provide pamphlets for consumers, to be made available by**  
28 **retailers at the point of sale, describing the toxicity of**  
**these household hazardous products and alternative products;**  
30 **and**

32 **C. Require that retail establishments display these**  
34 **pamphlets in the immediate vicinity of household hazardous**  
**products within 9 months of the establishment of the program.**

36 **Retailers shall comply with the requirements of this section.**

38 **3. Collection and disposal program.** To the extent funds  
are available, the office shall establish collection programs for  
40 waste oil and paint and a collection program for the disposal of  
other household hazardous products.

42 **Sec. 5. Appropriation.** The following funds are appropriated  
44 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
46		
48	<b>MAINE WASTE MANAGEMENT AGENCY</b>	
50	<b>Office of Siting and</b>	
	<b>Disposal Operations</b>	

2	Positions	(1.0)	(2.0)
	Personal Services	\$25,263	\$71,426
4	All Other	13,000	30,000
	Capital Expenditures	5,500	5,500

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Provides funds for staff and equipment to implement a household hazardous waste education and collection program.

<b>MAINE WASTE MANAGEMENT AGENCY</b>			
<b>TOTAL</b>		<u>\$43,763</u>	<u>\$106,426</u>

Sec. 6. Effective date. Section 1 of this Act takes effect January 1, 1992.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

#### STATEMENT OF FACT

This bill accomplishes the following:

1. Charges the Office of Siting and Disposal Operations within the Maine Waste Management Agency with implementing a program to promote education and information about the proper disposal of household hazardous products;

2. Establishes community collection centers for waste oil, dry-cell batteries and paint and expands the recycling grant assistance program to allow these facilities to be eligible for grants;

3. Delays the implementation of a statewide collection and disposal program for all other household hazardous wastes until July 1, 1993; and

4. Allows the Office of Siting and Disposal Operations to charge user fees for public and private nonprofit generators and small quantity generators to fund the cost of disposal services and increases the sales tax on household hazardous products by one percent to fund the costs of education and technical assistance.