

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1632, L.D. 2296, Bill, "An Act to Ensure the Safe Collection and Management of Certain Household Hazardous Wastes"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §2164, as amended by PL 1991, c. 517, Pt. B, §13, is further amended to read:

§2164. Household and small generator hazardous waste

The office shall develop and implement by July 1, 1992 1995, a statewide system for the collection and disposal of hazardous waste generated by households, public and private nonprofit institutions and small quantity generators.

Sec. 2. 38 MRSA §2165 and 2166 are enacted to read:

§2165. Regulation of certain dry cell batteries

1. Definitions. As used in this section and section 2166, the following terms have the following meanings.

A. "Industrial, communications or medical facility" means a structure or site where 15 or more people are employed and:

(1) Where articles are assembled, manufactured or fabricated;

(2) Are included in major group 48 of the federal Office of Management and Budget, Standard Industrial Codes; or

2 (3) Where medical services are provided.

4 B. "Rechargeable battery" means any nickel-cadmium or
6 sealed lead-acid battery that is designed for reuse and is
 capable of being recharged after repeated use.

8 2. Disposal ban. A person employed directly or indirectly
10 by a government agency, or an industrial, communications or
12 medical facility may not knowingly dispose of a dry cell mercuric
 oxide battery or a rechargeable battery in a manner that is not
 part of a collection system established under subsection 4.

14 3. User responsibility. A government agency or industrial,
16 communications or medical facility shall collect and segregate,
18 by chemical type, the batteries that are subject to the disposal
20 prohibition under subsection 2 and return each segregated
 collection either to the supplier that provided the facility with
 that type of battery or to a collection facility designated by
 the manufacturer of that battery or battery-powered product.

22 4. Manufacturer responsibility. A manufacturer of dry cell
24 mercuric oxide or rechargeable batteries that are subject to
 subsection 1 shall:

26 A. Establish and maintain a system for the proper
28 collection, transportation and processing of waste dry cell
 mercuric oxide and rechargeable batteries for purchasers in
 this State;

30 B. Clearly inform each purchaser that intends to use these
32 batteries of the prohibition on disposal of dry cell
34 mercuric oxide and rechargeable batteries and of the
 available systems for proper collection, transportation and
 processing of these batteries;

36 C. Identify a collection system through which mercuric
38 oxide and rechargeable batteries must be returned to the
40 manufacturer or to a manufacturer-designated collection
 site; and

42 D. Include the cost of proper collection, transportation
44 and processing of the waste batteries in the sales
 transaction or agreement between the manufacturer and any
 purchaser.

46 5. Supplier responsibility. A final supplier of mercuric
48 oxide and rechargeable batteries or battery-operated products is

2 responsible for informing the purchasers that intend to use these
batteries of the purchaser's responsibilities under this section.

4 6. Mercury content. A person may not sell, distribute or
offer for sale in this State the following batteries:

6 A. An alkaline manganese battery that contains more than
8 .025% mercury except that any alkaline manganese battery
10 resembling a button or coin in size and shape may contain no
more than 25 milligrams of mercury;

12 B. Effective January 1, 1993, a consumer mercuric oxide
button cell;

14 C. A zinc carbon battery manufactured on or after January
16 1, 1993 that contains any added mercury; or

18 D. An alkaline manganese battery manufactured on or after
20 January 1, 1996 that contains any added mercury except that
any alkaline manganese battery resembling a button or coin
22 in size and shape, may contain no more than 25 milligrams of
mercury.

24 7. Effective date. Except as otherwise indicated, this
section takes effect January 1, 1994.

26 8. Penalty. A violation of subsection 2 is a civil
28 violation for which a forfeiture of not more than \$100 per
battery disposed of improperly may be adjudged. A violation of
30 subsection 4 is a civil violation for which a forfeiture of not
more than \$100 may be adjudged. A violation of subsection 6 is a
32 civil violation for which a forfeiture of not more than \$100 per
battery sold, distributed or offered for sale may be adjudged.
34 Each day that a violation continues or exists constitutes a
separate offense.

36 9. Battery management plan. By October 1, 1993, the
38 agency, in cooperation with manufacturers and wholesalers of
batteries sold in the State, battery retailers and others shall
40 develop a battery management plan. The plan must describe a
comprehensive system for the collection, recovery, recycling,
42 reuse, treatment or disposal of all mercuric oxide and
rechargeable batteries subject to this section. The plan must
44 address alternate battery collection systems including, without
limitation, municipal collection, retail collection, returnable
46 battery deposits and collection through the mail. The plan must
describe the responsibilities of manufacturers and wholesalers
48 and ensure that these batteries are properly managed no later
than January 1, 1994. Any collection system developed under this

2 section must include educational and publicity components that
3 seek to maximize consumer participation in the system.

4 §2166. Rechargeable consumer products

6 1. Nonremoveable battery requirements. A person may not
7 sell, distribute or offer for sale in this State any product
8 powered by a rechargeable battery primarily used or purchased to
9 be used for personal, family or household purposes unless:

10
11 A. The battery may be easily removed by the consumer or is
12 contained in a battery pack that is separate from the
13 product and may be easily removed; and

14
15 B. The product, the battery itself and the package
16 containing the product are all labeled, in a manner that is
17 clearly visible to the consumer, indicating that the battery
18 must be recycled or disposed of properly and that the type
19 of electrode used in the battery is clearly identifiable.

20
21 2. Exemption. The executive director may exempt products
22 from the provisions of this section upon application from the
23 manufacturer if, in the executive director's judgment, the
24 product can not reasonably be redesigned and manufactured to
25 comply with this section or, if redesigned, results in
26 significant danger to public health and safety.

27
28 3. Effective date. Except as otherwise indicated, this
29 section takes effect January 1, 1994.

30
31 4. Penalty. A violation of this section is a civil
32 violation for which a forfeiture of not more than \$100 per
33 battery sold, distributed or offered for sale may be adjudged.
34 Each day that a violation continues or exists constitutes a
35 separate offense.

36
37 **Sec. 3. Waste paint report.** By July 1, 1993, the agency, in
38 cooperation with manufacturers and wholesalers of paint and
39 coating sold within the State shall develop a plan for a
40 comprehensive system for the collection, recovery, recycling,
41 reuse, treatment or disposal of unused paint and coatings and
42 their containers sold at retail within the State. The plan must
43 describe the responsibilities of those manufacturers and
44 wholesalers. Any system developed must include an educational
45 and publicity component that seeks to maximize consumer
46 participation in the system.

47
48 **Sec. 4. Costs not funded.** Notwithstanding the Maine Revised
Statutes, Title 30-A, section 5684, any requirements of this Act

2 that result in additional costs to local or county government are
not state mandates subject to that section and the State is not
4 required to fund those costs.

6 **FISCAL NOTE**

8 The Maine Waste Management Agency can absorb the costs
associated with adopting a battery management plan and developing
10 a waste paint report.

12 The future additional workload and administrative costs
associated with the minimal number of new cases filed in the
14 court system can be absorbed within the budgeted resources of the
Judicial Department. The collection of additional forfeitures
16 may increase future General Fund revenue by a minor amount.'

18 **STATEMENT OF FACT**

20 This amendment amends existing law to extend the
22 implementation date for developing and implementing a statewide
system for the collection and disposal of hazardous waste to 1995.

24 The amendment also defines several terms used in the bill
and amends the disposal ban on certain batteries to limit the ban
26 to certain users. A notification requirement is included for the
final supplier of batteries. Mercury content requirements are
28 revised to acknowledge current technology and to be consistent
with language enacted by other states. The section on
30 nonremoveable batteries is clarified to target products powered
by rechargeable batteries.
32

34 In addition to a battery management plan proposed in the
original bill, this amendment requires the agency to develop a
36 collection and management plan for paint in consultation with
manufacturers and suppliers.
38

40 The amendment also clarifies that this program is not a
state mandate and adds a fiscal note.

Reported by the Committee on Energy and Natural Resources
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