

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2296

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H.P. 1632

House of Representatives, February 4, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
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 TREAT of Gardiner.

Cosponsored by Representative COLES of Harpswell, Senator TITCOMB of Cumberland  
and Representative MARSH of West Gardiner.

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STATE OF MAINE

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

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**An Act to Ensure the Safe Collection and Management of Certain  
Household Hazardous Wastes.**

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

2  
4 Sec. 1. 38 MRSA §§2165 and 2166 are enacted to read:

6 §2165. Regulation of certain dry cell batteries

8 1. Disposal ban. A person may not place in mixed municipal  
solid waste a dry cell battery containing mercuric oxide  
nickel-cadmium or sealed lead acid.

10  
12 2. User responsibility. Each government agency or  
industrial, communications or medical facility shall collect and  
segregate, by chemical type, its batteries that are subject to  
14 this prohibition and return each segregated collection either to  
the supplier that provided the facility with that type of battery  
16 or to a collection facility designated by the manufacturer of  
that battery or battery-powered product.

18  
20 3. Manufacturer responsibility. As part of establishing a  
system for the registration of dry cell batteries, a manufacturer  
is responsible for the following.

22  
24 A. A manufacturer of batteries subject to subsection 1  
shall:

26 (1) Ensure that a system for the proper collection,  
transportation and processing of waste batteries exists  
28 for purchasers in this State; and

30 (2) Clearly inform each final purchaser of the  
prohibition on disposal of waste batteries and of the  
32 system or systems for proper collection, transportation  
and processing of waste batteries available to the  
34 purchaser.

36 B. To ensure that a system for the proper collection,  
transportation and processing of waste batteries exists, a  
38 manufacturer shall identify a collection chain through which  
the batteries must be returned to the manufacturer or to a  
40 manufacturer-designated collection site.

42 C. A manufacturer shall ensure that the cost of proper  
collection, transportation and processing of the waste  
44 batteries is included in the sales transaction or agreement  
between the manufacturer and any purchaser.

46  
48 D. A manufacturer that has complied with this subsection is  
not liable under subsection 1 for improper disposal by a  
person other than the manufacturer of waste batteries.

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

6           A. An alkaline manganese battery that contains more than  
7 .025% mercury;

8           B. Mercuric oxide button cell batteries effective January  
9 1, 1993;

10           C. A zinc carbon battery that contains a mercury  
11 concentration level greater than one part per million by  
12 weight effective January 1, 1993; or

13           D. An alkaline manganese battery that contains any added  
14 mercury effective January 1, 1996.

15           5. Effective date. Except as otherwise indicated, this  
16 section takes effect January 1, 1994.

17           6. Penalty. A violation of this section is a civil  
18 violation for which a forfeiture of not more than \$100 may be  
19 adjudged. Each day that a violation continues or exists  
20 constitutes a separate offense.

21           7. Battery plan. By January 1, 1993 the Maine Waste  
22 Management Agency, in cooperation with manufacturers and  
23 wholesalers of batteries sold in the State and battery retailers  
24 shall adopt a battery management plan. The plan must contain a  
25 comprehensive system for the collection, recovery, recycling,  
26 reuse, treatment or disposal of all mercuric oxide, rechargeable  
27 batteries, small lead-acid and alkaline batteries. The plan must  
28 address alternate battery collection systems including, without  
29 limitation, municipal collection, retail collection, returnable  
30 battery deposits and collection through the mail. Implementation  
31 of the plan must emphasize the responsibility of manufacturers  
32 and wholesalers, contain incentives to encourage consumers to  
33 return used batteries to the collection system and ensure that  
34 these batteries are properly managed no later than January 1,  
35 1994.

36           Any collection system developed under this section must  
37 include an educational and publicity component that seeks to  
38 maximize consumer participation in the system.

39           §2166. Rechargeable consumer products

40           1. Ban on nonremoveable batteries. A manufacturer may not  
41 sell, distribute or offer for sale in this State any product that  
42 contains a rechargeable battery primarily used or purchased to be  
43 used for personal, family or household purposes unless:  
44

2 A. The battery may be easily removed by the consumer or is  
4 contained in a battery pack that is separate from the  
product and may be easily removed; and

6 B. The product, the battery itself and the package  
8 containing a consumer product are all labeled in a manner  
10 that is clearly visible to the consumer, indicates that the  
12 battery must be recycled or disposed of properly and the  
battery must be clearly identifiable as to the type of  
electrode used in the battery.

14 2. Exemption. The executive director may exempt products  
16 from the provisions of this section upon application from the  
18 manufacturer if the product:

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

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

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

30 4. Penalty. A violation of this section is a civil  
32 violation for which a forfeiture of not more than \$100 per item  
34 may be adjudged. Each day that a violation continues or exists  
36 constitutes a separate offense.

## 38 STATEMENT OF FACT

40 This bill provides for the development and implementation of  
42 a system for collecting and managing household batteries in order  
44 to reduce the toxicity of the municipal waste stream and to  
46 increase battery recycling programs.

48 The bill prohibits the disposal of certain dry cell  
50 batteries in mixed municipal solid waste after January 1, 1994.  
52 It also requires manufacturers of specified batteries to ensure  
their collection and limits mercury content of specified  
batteries.

The sale of products with rechargeable batteries that can  
not be replaced is prohibited after January 1, 1994. Exemptions  
are provided for certain medical products and products that can  
not be redesigned to comply with this provision.

The bill requires the Maine Waste Management Agency to  
develop collection and management plans for batteries in  
consultation with manufacturers and wholesalers of those products.