

MAINE STATE LEGISLATURE

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DATE: April 1, 2002

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 719, L.D. 1921, Bill, "An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles"

Amend the amendment in section 3 in that part designated "~~§1665-A.~~" in subsection 4 in the 3rd line (page 2, line 23 in amendment) by striking out the following: "the" and inserting in its place the following: 'a' and in the 4th and 5th lines (page 2, lines 24 and 25 in amendment) by striking out the following: "pursuant to subsection 5"

Further amend the amendment in section 3 in that part designated "~~§1665-A.~~" by striking out all of subsection 5 (page 2, lines 36 to 49 and page 3, lines 1 to 20 in amendment) and inserting in its place the following:

'5. Motor vehicle manufacturer responsibility.
Manufacturers of motor vehicles sold in this State that contain mercury switches or mercury headlamps shall, individually or collectively, provide the department and persons who remove motor vehicle components under this section with information, training and other technical assistance required to facilitate removal of the components in accordance with the universal waste rules adopted by the board under subsection 8, including, but not limited to, information identifying the motor vehicle models that contain or may contain mercury switches or mercury headlamps.'

Further amend the amendment in that part designated "~~§1665-A.~~" by striking out all of subsection 9 (page 4, lines 1 to 17 in amendment) and inserting in its place the following:

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2 '9. Reporting. Before January 1, 2005 and annually
3 thereafter, the department shall report to the Mercury Products
4 Advisory Committee, established by Title 5, section 12004-I,
5 subsection 24-A, on the effectiveness of the source separation
6 required under this section and the effectiveness of the
7 reimbursement scheme to be developed to pay for each mercury
8 switch delivered for disposal and whether such scheme should be
9 adjusted to increase the number of switches brought to
10 consolidation center facilities, whether other motor vehicle
11 components should be added to the source separation efforts and
12 whether the program should be terminated and, if so, when.

13 10. Mercury Switch Recycling Fund. In order to pay for
14 each mercury switch delivered for disposal, the Mercury Switch
15 Recycling Fund, referred to in this subsection as the "fund," is
16 established. In order to capitalize this fund and to defray the
17 costs incurred by the department in implementing the mercury
18 switch recycling program, the following fees are imposed:

19 A. A \$1 mercury switch recycling fee must be collected by
20 each licensed new car dealer from the purchaser as part of
21 each new motor vehicle sale agreement, beginning with sales
22 on and after January 1, 2003; and

23 B. A \$1 mercury switch recycling fee must be collected by
24 each licensed used car dealer from the purchaser as part of
25 each used motor vehicle sale agreement, beginning with sales
26 on and after January 1, 2003.

27 The department shall adopt rules to implement this subsection.
28 Rules adopted pursuant to this subsection are routine technical
29 rules as defined in Title 5, chapter 375, subchapter II-A. These
30 rules must require that the fees imposed by this subsection be
31 forwarded by the dealer or its successor to the department to be
32 deposited in the fund. At the end of each fiscal year, the
33 department shall prepare a report listing the money generated by
34 these fees during the fiscal year, any money expended for
35 administrative costs by the department in that fiscal year and
36 the amount directly paid to recycle switches during that fiscal
37 year.

38 Money generated by the fees imposed in this subsection may not be
39 used to fund the collection, transportation or recycling of any
40 nonautomotive product that contains mercury.

41 This subsection is repealed January 1, 2013.'

42 Further amend the amendment by inserting after section 3 the
43 following:

44

2 'Sec. 4. Mercury switch removal program. The Commissioner of
3 Environmental Protection shall develop a statewide program for
4 the collection, transportation and recycling of mercury switches
5 in automobiles. The Department of Environmental Protection shall
6 adopt routine technical rules, as defined in the Maine Revised
7 Statutes, Title 5, chapter 375, subchapter II-A, by November 30,
8 2002 to implement this program. The goal of the program is to
9 collect and recycle at least 90 pounds of mercury per year from
10 mercury switches removed from automobiles. The rules adopted by
11 the department pursuant to this section must include:
12 identification of the specific methods to be used to remove and
13 collect the switches, including methods to minimize costs
14 associated with the inadvertent collection and handling of
15 nonmercury switches or devices; the development of a scheme to
16 pay a fee certain for each mercury switch presented to a
17 consolidation center, which is a facility equipped to receive,
18 store and transport mercury switches; the identification of
19 consolidation centers, including a provision that a licensed new
20 or used car dealership may not qualify as a consolidation center,
21 and a description of the manner in which mercury switches will be
22 recycled by those centers; a detailed program for the voluntary
23 removal of mercury switches prior to the end of the vehicle's
24 use; and any other factor critical to the success of the program.'

25 Further amend the amendment by relettering or renumbering
26 any nonconsecutive Part letter or section number to read
27 consecutively.

28 FISCAL NOTE

29 Establishing a mercury switch recycling fee will increase
30 dedicated revenues collected by the Department of Environmental
31 Protection by an estimated \$81,500 in fiscal year 2002-03 and by
32 an estimated \$163,000 in fiscal year 2003-04 and each year
33 thereafter.

34 The Department of Environmental Protection will incur some
35 minor additional costs to adopt certain rules pertaining to the
36 development of a mercury switch removal program and to implement
37 a mercury switch recycling fee. These costs can be absorbed
38 within the department's existing budgeted resources.

39 SUMMARY

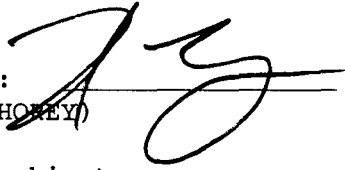
40 This amendment removes the requirement that a manufacturer
41 of a motor vehicle pay a minimum of \$1 for each mercury switch
42 brought to a consolidation facility. It directs the Commissioner
43 of Environmental Protection to develop a statewide program for
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SENATE AMENDMENT *B* " to COMMITTEE AMENDMENT "A" to S.P. 719,
L.D. 1921

2 the collection, transportation and recycling of mercury switches
3 in automobiles. It directs the Department of Environmental
4 Protection to adopt rules by November 30, 2002 to implement this
5 program. It authorizes the creation of consolidation centers for
6 collection of switches and establishes a funding source for the
7 program, which is a fee of \$1 to be collected at the time of
8 purchase of a new or used motor vehicle.

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SPONSORED BY: 
(Senator SHOREY)
COUNTY: Washington

SENATE AMENDMENT