

# MAINE STATE LEGISLATURE

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L.D. 1892

DATE: 4-5-04

(Filing No. H-862)

REPORT C  
NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 1402, L.D. 1892, Bill, "An Act To Protect Public Health and the Environment by Providing for a System of Shared Responsibility for the Safe Collection and Recycling of Electronic Waste"

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

Sec. 1. 36 MRSA §4831, sub-§1-A is enacted to read:

1-A. Computer monitor. "Computer monitor" has the same meaning as in Title 38, section 1609, subsection 1.

Sec. 2. 36 MRSA §4831, sub-§3-A is enacted to read:

3-A. Television. "Television" has the same meaning as in Title 38, section 1609, subsection 1.

Sec. 3. 36 MRSA §4832, sub-§1-B is enacted to read:

1-B. Fee imposed on computer monitors and televisions. A fee, as determined by the Commissioner of Environmental Protection, is imposed on the retail sale in this State of new computer monitors and new televisions. A retailer who sells a computer monitor or television may retain 3% of the fee as reimbursement for costs associated with the fee collection. The Commissioner of Environmental Protection shall set the fee to be imposed under this subsection by October 1, 2004.

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2           **Sec. 4. 36 MRSA §4832, sub-§2-A** is enacted to read:

4           **2-A. Exemptions for certain computer monitors and**  
6 **televisions. New computer monitors and televisions that are sold**  
8 **by a manufacturer that implements a collection and recycling or**  
10 **reuse system that is approved by the Commissioner of**  
12 **Environmental Protection pursuant to Title 38, section 1609,**  
14 **subsection 5, paragraph A are not subject to the fee imposed by**  
16 **subsection 1-B.**

12           **Sec. 5. 36 MRSA §4833, 2nd ¶**, as amended by PL 1989, c. 927,  
14 §5 and PL 1997, c. 526, §14, is further amended to read:

16           The revenue derived from the fee imposed by--this--chapter  
18 under section 4832, subsection 1 must be deposited in the Maine  
20 Solid Waste Management Fund established under Title 38, chapter  
22 24, which must reimburse the General Fund for the administrative  
24 costs of the fee as certified by the Bureau of Revenue Services.  
26 The revenue derived from the fee imposed under section 4832,  
28 subsection 1-B must be deposited into a dedicated subaccount  
30 within the Maine Solid Waste Management Fund established under  
32 Title 38, chapter 24, which must reimburse the General Fund for  
34 the administrative costs of the fee as certified by the Bureau of  
36 Revenue Services.

26           **Sec. 6. 36 MRSA §4834**, as enacted by PL 1989, c. 585, Pt. B,  
28 is repealed and the following enacted in its place:

30           **§4834. Effective date**

32           This chapter is effective for taxable purchases made in this  
34 State on or after July 1, 1990 and for taxable items brought into  
36 this State by the user on or after July 1, 1990, except that this  
38 chapter as it applies to new televisions and new computer  
40 monitors is effective for purchases made in this State on or  
42 after January 1, 2005.

38           **Sec. 7. 38 MRSA §1609** is enacted to read:

40           **§1609. Electronic waste**

42           **1. Definitions.** As used in this section, unless the  
44 context otherwise indicates, the following terms have the  
46 following meanings.

46           A. "Computer monitor" means a cathode ray tube or flat  
48 panel display that is greater than 4 inches measured  
50 diagonally that is primarily intended to display information  
from a central processing unit or the Internet.

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- 2           B. "Consolidation facility" means a facility where  
4           electronic wastes are consolidated and temporarily stored  
6           while awaiting shipment to a recycling and dismantling  
8           facility. "Consolidation facility" includes a transport  
10           vehicle owned or leased by a recycling and dismantling  
12           facility with a minimum 40-foot trailer used to collect  
14           computer monitors and televisions at municipal collection  
16           sites in this State.
- 18           C. "Manufacturer" means a person who manufactures and sells  
20           a computer monitor or television under its own brand or  
22           sells a computer monitor or television produced by other  
24           suppliers under its own brand and label.
- 26           D. "Manufacturer's consolidation facility" means a  
28           consolidation facility with which a manufacturer has entered  
30           into an agreement for the consolidation and temporary  
32           storage of the manufacturer's computer monitors and  
34           televisions.
- 36           E. "Municipal collection site" means a municipally owned  
38           solid waste transfer station or recycling center, including  
40           a facility owned by a consortium of municipalities or a  
42           facility that is under contract with a municipality or  
44           consortium of municipalities to provide solid waste  
46           management services.
- 48           F. "Office" means the Executive Department, State Planning  
50           Office.
- G. "Recycling" means the use of materials contained in  
              previously manufactured goods as feedstock for new products,  
              but not for energy recovery or energy generation by means of  
              combustion.
- H. "Recycling and dismantling facility" means a business  
              that processes covered electronic devices for reuse and  
              recycling.
- I. "Retailer" means a person who sells a computer monitor  
              or television in the State to a consumer. "Retailer"  
              includes, but is not limited to, a manufacturer of a  
              computer monitor or television who sells directly to a  
              consumer, not including wholesale transactions with a  
              distributor or other retailer.
- J. "Television" means a cathode ray tube or flat panel  
              display that is greater than 4 inches measured diagonally  
              that is primarily intended to receive video programming via

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broadcast, cable or satellite transmission.

2. Municipal responsibility for recycling. To ensure the collection and recycling or reuse of computer monitors and televisions, a municipality shall:

A. Separate and identify computer monitors and televisions manufactured by a manufacturer that maintains a collection and recycling system pursuant to subsection 5, paragraph A, transport those computer monitors and televisions to that manufacturer or that manufacturer's consolidation facility in this State and submit to the department documentation that identifies the computer monitors and televisions delivered under this paragraph; or

B. Otherwise provide for the disposal of computer monitors and televisions that are generated as waste from households within that municipality's jurisdiction in accordance with all applicable federal, state and local laws.

3. Consolidation facility responsibility for recycling. Beginning January 1, 2006, a consolidation facility is subject to the requirements of this subsection.

A. A consolidation facility shall maintain an accounting of the number of household computer monitors and televisions delivered to the facility.

B. A consolidation facility shall identify the computer monitors and televisions delivered to the facility that are sold by a manufacturer that maintains a collection and recycling or reuse system pursuant to subsection 5, paragraph A.

C. A consolidation facility shall transport computer monitors and televisions sold by a manufacturer that does not maintain a collection and recycling or reuse system pursuant to subsection 5, paragraph A to a recycling and dismantling facility that provides a sworn certification pursuant to subsection 4. A consolidation facility shall maintain for a minimum of 3 years a copy of the sworn certification from each recycling and dismantling facility that receives computer monitors and televisions from the consolidation facility and shall provide the department with a copy of these records within 24 hours of request by the department.

D. A consolidation facility may invoice the State for the handling, transportation and recycling costs for televisions

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and computer monitors of manufacturers that do not maintain a collection and recycling or reuse system pursuant to subsection 5, paragraph A.

E. A consolidation facility may make arrangements with a manufacturer that maintains a system for the collection and recycling or reuse of its computer monitors or televisions pursuant to subsection 5, paragraph A for the transportation of computer monitors and televisions sold by that manufacturer.

4. Recycling and dismantling facility responsibility for recycling. A recycling and dismantling facility shall provide to a consolidation facility a sworn certification that its handling, processing, refurbishment and recycling of computer monitors and televisions meet guidelines for environmentally sound management published by the department.

5. Manufacturer responsibility for recycling. A manufacturer of computer monitors or televisions shall establish a system for collection and recycling or reuse as specified in paragraph A or is subject to the fee as specified in paragraph B.

A. To ensure the collection and recycling or reuse of computer monitors and televisions, a manufacturer may establish and maintain a system for the collection and recycling or reuse of computer monitors and televisions produced by the manufacturer and generated as waste by households in this State. At a minimum, the system must provide for manufacturer responsibility for costs from the point of consolidation. The system must be approved by the commissioner.

(1) Prior to establishing a collection and recycling system under this subparagraph, a manufacturer shall develop a plan as follows.

(a) A manufacturer shall develop and submit to the department a plan for the collection and recycling or reuse of computer monitors and televisions produced by the manufacturer and generated as waste by households in this State.

(b) A manufacturer shall implement and finance the implementation of the plan developed under this paragraph.

(c) The plan developed by the manufacturer under this paragraph must include, at a minimum:

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(i) A description of the collection system, including the methods of convenient collection;

(ii) A public education element to inform the public about the collection system;

(iii) Details for implementing and financing the handling of computer monitors and televisions produced by the manufacturer that are generated as waste by households in this State;

(iv) Details for the method of reimbursing consolidation facilities for the costs of handling and recycling the household computer monitors and televisions;

(v) Documentation of the willingness of all necessary parties to implement the plan, including the parties that will participate in the consolidation, treatment, recovery, reuse and recycling of the computer monitors and televisions;

(vi) Assurances that the system and all necessary parties will operate in compliance with local, state and federal waste management laws, rules and regulations;

(vii) Descriptions of the performance measures that will be used and reported by the manufacturer to report recovery and recycling rates for computer monitors and televisions at the end of life of those computer monitors and televisions; and

(viii) Descriptions of additional or alternative actions that will be taken to improve recovery and recycling rates, if needed.

(d) A manufacturer is responsible for all costs associated with the development of the plan and implementation of the plan.

(2) A manufacturer that establishes and maintains a collection and recycling or reuse system under this paragraph shall submit an annual report to the department that includes the following:

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2 (a) A description of the collection,  
4 consolidation and recycling services utilized to  
recover the manufacturer's products; and

6 (b) Substantiated estimates, on an annual basis  
8 for the preceding calendar year, on the quantities  
10 of computer monitors and televisions marketed in  
this State and collected for recovery in this  
State.

12 B. Beginning January 1, 2005, a computer monitor or  
14 television sold by a manufacturer that does not establish  
and maintain a system for the collection and recycling or  
16 reuse of computer monitors and televisions under paragraph A  
is subject to a fee pursuant to Title 36, section 4832,  
subsection 1-B.

18 6. Fund management. The fee collected pursuant to Title  
20 36, section 4832, subsection 1-B must be deposited into a  
22 dedicated subaccount created pursuant to Title 36, section 4833  
within the Maine Solid Waste Management Fund established by  
24 section 2201. The revenues in the subaccount must be distributed  
as follows:

26 A. The office shall reimburse consolidation facilities for  
28 expenses incurred that consist of the operational costs of  
the consolidation facility attributable to the handling of  
30 household-generated waste computer monitors and televisions  
sold by manufacturers that do not maintain a collection and  
32 recycling or reuse system pursuant to subsection 5,  
paragraph A.

34 B. The office shall reimburse a municipality for expenses  
36 incurred related to the transportation of computer monitors  
and televisions from a municipal collection site to a  
38 manufacturer or manufacturer's consolidation facility in the  
State that the municipality documents:

40 (1) Are related to computer monitors and televisions  
42 sold by a manufacturer that maintains a collection and  
recycling or reuse system pursuant to subsection 5,  
44 paragraph A; and

46 (2) Exceed the current cost of transportation and  
disposal of an equivalent tonnage of that  
48 municipality's municipal solid waste.

A municipality is eligible for reimbursement under this  
50 paragraph only if the municipality submitted to the



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department the documentation required under subsection 2, paragraph A.

C. The office shall reimburse the General Fund for the administration costs of the fee as certified by the Bureau of Revenue Services.

D. The office shall inform municipalities and consolidation facilities about the provisions of this subsection.

E. Any funds remaining in the dedicated subaccount created pursuant to Title 36, section 4833 within the Maine Solid Waste Management Fund established in section 2201 after payment of all eligible costs incurred by consolidation facilities and municipalities and reimbursement for administration costs of the State must be used to support municipal recycling programs unless otherwise directed by the Legislature.

7. Enforcement. The department shall enforce this section in accordance with the provisions of sections 347-A and 349.

8. Reports to Legislature. The department shall submit a report on the recycling of electronic waste in the State, including but not limited to computer monitors and televisions, to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2008 and every 2 years thereafter.

9. State procurement. All vendors of computer monitors and televisions to the State shall provide take-back and management services for their products at the end of life of those products and must be in compliance with all the requirements of this section. Vendors shall provide assurances that all take-back and management services will operate in compliance with all applicable environmental laws. Purchasing preference must be given to computer monitors and televisions that incorporate design for the preservation of the environment.

**Sec. 8. Management guidelines.** By December 31, 2004, the Department of Environmental Protection shall publish management guidelines for the environmentally sound handling, processing, refurbishment and recycling of computer monitors and televisions as required by the Maine Revised Statutes, Title 38, section 1609, subsection 4.

**Sec. 9. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL**

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SERVICES, DEPARTMENT OF

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Maine Revenue Services 0002

Initiative: Provides funds for the administrative costs associated with the collection of a fee on the sale of computer monitors and televisions.

General Fund	2003-04	2004-05
All Other	\$0	\$45,000
General Fund Total	\$0	\$45,000'

SUMMARY

This amendment is a minority report. The amendment replaces the bill. The amendment provides that a manufacturer of computer monitors and televisions may implement and maintain its own collection and recycling system for computer monitors and televisions that it sells. If a manufacturer does not implement and maintain a collection system for the products it sells, a fee, as determined by the Commissioner of Environmental Protection, is imposed on the retail sale of that manufacturer's computer monitors and televisions. A retailer may retain 3% of the fee as reimbursement for costs associated with the collection of the fee.

Under the amendment, a municipality may separate and identify computer monitors and televisions that are sold by a manufacturer that maintains its own collection and recycling system, transport those products to the manufacturer and document to the Department of Environmental Protection the products delivered. A municipality that chooses to participate in this way is eligible for reimbursement for certain expenses incurred related to the transportation of those products to the manufacturer or the manufacturer's consolidation facility. A municipality that does not choose to participate in this way must otherwise provide for the disposal of computer monitors and televisions in accordance with all applicable federal, state and local laws.

Under the amendment, a consolidation facility must identify the number of computer monitors and televisions delivered to the facility and identify the products delivered that are sold by a manufacturer that maintains its own collection and recycling system. The facility must transport the products of a manufacturer that does not maintain its own collection and recycling system to a recycling and dismantling facility. The consolidation facility may invoice the State for the handling,

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2 transportation and recycling costs for the products of a  
3 manufacturer that does not maintain a collection and recycling  
4 system for its products. The consolidation facility may make  
5 arrangements with a manufacturer that maintains its own  
6 collection system for the expenses incurred by the facility in  
7 connection with that manufacturer's products that are delivered  
8 to the consolidation facility.

10 **FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1892**

**An Act To Protect Public Health and the Environment by Providing for  
a System of Shared Responsibility for the Safe Collection and Recycling  
of Electronic Waste**

**LR 2752(03)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Natural Resources**

**Fiscal Note Required: Yes**

**Minority Report**

**Fiscal Note**

Current Cost - State Mandate

Undetermined current biennium cost increase - Other Special Revenue Funds

Undetermined current biennium revenue increase - Other Special Revenue Funds

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$45,000	\$0	\$0
<b>Transfers</b>				
General Fund	\$0	\$45,000	\$0	\$0
Other Special Revenue Funds	\$0	(\$45,000)	\$0	\$0

**State Mandate**

**New or Expanded Activity**

Municipalities must ensure that computer monitors and televisions are delivered to a consolidation facility for recycling or otherwise disposed of. The municipal costs to deliver to a consolidation facility for recycling would be reimbursed by the State Planning Office from the Solid Waste Management Fund after January 1, 2005.

**Unit Affected**

Municipality

**Costs**

Significant, but reimbursed after January 1, 2005

**Fiscal Detail and Notes**

Establishing a system to provide for the collection and recycling of computer monitors and TVs will require additional allocations from the Maine Solid Waste Management Fund. The State Planning Office will need a part-time Planner II position to provide outreach and assist in the reimbursement of consolidation facilities and municipalities for certain specified recycling costs.

This bill requires the Department of Environmental Protection to establish a fee for the retail sale of new computer monitors and new televisions. This fee will result in an increase in additional revenue to the Maine Solid Waste Management Fund in an amount that can not be determined at this time. This additional revenue is intended to cover the costs of the State Planning Office and to reimburse municipalities and consolidation facilities for certain specified recycling expenses.

The bill includes a General Fund appropriation of \$45,000 in fiscal year 2004-05 to Maine Revenue Services for administrative costs associated with collecting this new fee. These costs include computer programming and printing and mailing of notices to retailers.

This bill will also increase transfers to the General Fund from the Maine Solid Waste Management Fund to reimburse the General Fund for the \$45,000 administrative costs to Maine Revenue Services.

The additional costs associated with the Department of Environmental Protection carrying out their assigned responsibilities can be absorbed within existing budgeted resources.