

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1892

H.P. 1402

House of Representatives, March 1, 2004

**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**

Reported by Representative KOFFMAN of Bar Harbor for the Joint Standing Committee on Natural Resources pursuant to Public Law 2003, chapter 150, section 3, and Resolve 2003, chapter 101, section 3.

Reference to the Committee on Natural Resources suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 Sec. 1. 38 MRSA §1609 is enacted to read:

4 **§1609. Electronic waste**

6 **1. Findings; purpose.** The Legislature finds that the
8 establishment of a system to provide for the collection and
10 recycling of electronic devices in this State is consistent with
12 its duty to protect the health, safety and welfare of its
14 citizens, enhance and maintain the quality of the environment,
16 conserve natural resources and prevent air, water and land
18 pollution. The Legislature further finds that such a system is
consistent with the overall state solid waste management policy
including its intent to pursue and implement an integrated
approach to solid waste management and to aggressively promote
waste reduction, reuse and recycling as the preferred methods of
waste management.

20 The Legislature finds that the purpose of this section is to
22 establish a comprehensive electronics recycling system that
24 ensures the safe and environmentally sound handling, recycling
and disposal of electronic products and components and encourages
the design of electronic products and components that are less
toxic and more recyclable.

26 The Legislature further finds that it is the purpose of this
28 section to establish an electronics recycling system that is
30 convenient and minimizes cost to the consumer of electronic
32 products and components. It is the intent of the Legislature
34 that manufacturers of electronic products and components will be
36 responsible for ensuring proper handling, recycling and disposal
of discarded products and that costs associated with
consolidation, handling and recycling be internalized by the
manufacturers of electronic products and components before the
point of purchase.

38 The Legislature further finds that the manufacturers of
40 electronic products and components should reduce and, to the
extent feasible, ultimately phase out the use of hazardous
materials in these products.

42 The Legislature further finds that a system of shared
44 responsibility for the collection and recycling of covered
46 electronic devices among manufacturers, distributors, retailers,
48 consumers and other parties is the most effective and equitable
means of achieving the purposes of this section. Manufacturers
of electronic devices and components, in working to achieve the
goals and objectives of this section, should have the flexibility
50 to act in partnership with each other, with state, municipal and

2 regional governments and with businesses that provide collection
3 and handling services to develop, implement and promote a safe
4 and effective electronics recycling system for the State.

5 2. Definitions. As used in this section, unless the
6 context otherwise indicates, the following terms have the
7 following meanings.

8
9 A. "Computer monitor" means a cathode ray tube or flat
10 panel display primarily intended to display information from
11 a central processing unit or the Internet.

12
13 B. "Consolidation facility" means a facility where
14 electronic wastes are consolidated and temporarily stored
15 while awaiting shipment to a recycling, treatment or
16 disposal facility. "Consolidation facility" includes a
17 transport vehicle owned or leased by a recycling and
18 dismantling facility with a minimum 40-foot trailer used to
19 collect covered electronic devices at municipal collection
20 sites in this State.

21
22 C. "Covered electronic device" means a computer central
23 processing unit, a cathode ray tube, a cathode ray tube
24 device, a flat panel display or similar video display device
25 with a screen that is greater than 4 inches measured
26 diagonally and that contains one or more circuit boards.
27 "Covered electronic device" does not include an automobile
28 or a large piece of commercial or industrial equipment, such
29 as commercial medical equipment, that contains a cathode ray
30 tube, a cathode ray tube device, a flat panel display or
31 similar video display device that is contained within, and
32 is not separate from, the larger piece of equipment.

33
34 D. "Manufacturer" means a person who manufactures and
35 sells, by any means, including, but not limited to,
36 transactions conducted through sales outlets, catalogs or
37 the Internet, a covered electronic device under its own
38 brand or sells a covered electronic device produced by other
39 suppliers under its own brand and label.

40
41 E. "Municipal collection site" means a municipally owned
42 solid waste transfer station or recycling center, including
43 facilities owned by a consortium of municipalities or a
44 facility that is under contract with a municipality or
45 consortium of municipalities to provide solid waste
46 management services.

47
48 F. "Office" means the Executive Department, State Planning
49 Office.

50

2 G. "Orphan waste computer monitor" means a covered
electronic device, the manufacturer of which can not be
4 identified.

6 H. "Recycling" means the use of materials contained in
previously manufactured goods as feedstock for new products,
8 but not for energy recovery or energy generation by means of
combustion.

10 I. "Recycling and dismantling facility" means a business
that processes covered electronic devices for reuse and
12 recycling.

14 J. "Retailer" means a person who sells a covered electronic
device in the State to a consumer. "Retailer" includes, but
16 is not limited to, a manufacturer of a covered electronic
device who sells directly to a consumer through any means,
18 including, but not limited to, transactions conducted
through sales outlets, catalogs or the Internet, or any
20 similar electronic means, but not including wholesale
transactions with a distributor or other retailer.

22 K. "Television" means a cathode ray tube or flat panel
24 display primarily intended to receive video programming via
broadcast, cable or satellite transmission.

26 3. Sales prohibition. Beginning January 1, 2006, a
28 manufacturer not in compliance with this section is prohibited
from offering a covered electronic device for sale in this
30 State. A manufacturer not in compliance with this section shall
provide the necessary support to retailers to ensure the
32 manufacturer's covered electronic devices are not offered for
sale in this State.

34 4. Manufacturer label required. Beginning January 1, 2005,
36 a manufacturer may not offer for sale in this State a covered
electronic device unless a visible, permanent label clearly
38 identifying the manufacturer of that device is affixed to it.

40 5. Responsibility for recycling. Municipalities,
consolidation facilities, manufacturers and the State share
42 responsibility for the disposal of covered electronic devices as
provided in this subsection.

44 A. Each municipality shall ensure that computer monitors
46 and televisions generated as waste from households within
that municipality's jurisdiction are delivered to a
48 consolidation facility in this State. A municipality may
meet this requirement through collection at and
50 transportation from a local or regional solid waste transfer

2 station or recycling facility, by contracting with a
3 disposal facility to accept waste directly from the
4 municipality's residents or through curbside pickup or other
5 convenient collection and transportation system. A
6 municipality may not charge residents a fee for the
7 collection of computer monitors and televisions generated as
8 waste from households.

9 B. A consolidation facility is subject to the requirements
10 of this paragraph.

11 (1) Beginning January 1, 2006, a consolidation
12 facility shall identify the manufacturer of each waste
13 computer monitor delivered to the facility and
14 identified as generated by a household in this State
15 and shall maintain an accounting of the number of waste
16 household computer monitors by manufacturer.

17 (2) Beginning January 1, 2012, a consolidation
18 facility shall identify the manufacturer of each waste
19 television delivered to the facility and identified as
20 generated by a household in this State and shall
21 maintain an accounting of the number of waste household
22 televisions by manufacturer.

23 (3) A consolidation facility may perform the
24 manufacturer identification required by subparagraphs
25 (1) and (2) at the consolidation facility or may
26 contract for this identification and accounting service
27 with the recycling and dismantling facility to which
28 the waste is shipped.

29 (4) A consolidation facility shall work cooperatively
30 with manufacturers to ensure implementation of a
31 practical and feasible financing system. At a minimum,
32 a consolidation facility shall invoice the
33 manufacturers and the State for the handling,
34 transportation and recycling costs for which they are
35 respectively responsible under the provisions of this
36 paragraph.

37 (5) A consolidation facility shall transport waste
38 computer monitors and waste televisions to a recycling
39 and dismantling facility that provides a sworn
40 certification pursuant to paragraph C. A consolidation
41 facility shall maintain for a minimum of 3 years a copy
42 of the sworn certification from each recycling and
43 dismantling facility that receives covered electronic
44 devices from the consolidation facility and shall

2 provide the department with a copy of these records
3 within 24 hours of request by the department.

4 C. A recycling and dismantling facility shall provide to a
5 consolidation facility a sworn certification that its
6 handling, processing, refurbishment and recycling of covered
7 electronic devices meet environmentally sound management
8 guidelines published by the department.

10 D. A computer monitor manufacturer is subject to the
11 requirements of this paragraph.

12 (1) Beginning January 1, 2006, a computer monitor
13 manufacturer is individually responsible for handling
14 and recycling computer monitors produced by that
15 manufacturer, or by any business for which the
16 manufacturer has assumed legal responsibility, that are
17 generated as waste from households in this State and
18 received at a consolidation facility in this State. At
19 a minimum, a manufacturer shall pay the operational
20 costs of the consolidation facility attributable to the
21 handling of the manufacturer's computer monitors
22 generated as waste by households in this State,
23 transportation costs from the consolidation facility to
24 a recycling and dismantling facility licensed in
25 accordance with all applicable federal, state and local
26 laws and the costs of recycling.

28 (2) Beginning January 1, 2012, computer monitor
29 manufacturers are collectively responsible for handling
30 and recycling all computer monitors, including orphan
31 waste computer monitors, generated as waste by
32 households in this State received at consolidation
33 facilities in this State. The manufacturers shall pay
34 the operational costs of the consolidation facility
35 attributable to the handling of all computer monitors
36 generated as waste by households in this State,
37 transportation costs from the consolidation facility to
38 a licensed recycling and dismantling facility and the
39 costs of recycling.

41 (3) A computer monitor manufacturer shall work
42 cooperatively with consolidation facilities to ensure
43 implementation of a practical and feasible financing
44 system. Within 90 days of receipt of an invoice, a
45 manufacturer shall reimburse a consolidation facility
46 for allowable costs incurred by that consolidation
47 facility.

2 E. Beginning January 1, 2012, television manufacturers are
3 collectively responsible for the handling and recycling of
4 all televisions generated as waste by households in this
5 State received at consolidation facilities in this State.
6 Television manufacturers shall pay the operational costs of
7 the consolidation facility attributable to the handling of
8 all televisions generated as waste by households in this
9 State, transportation costs from the consolidation facility
10 to a recycling and dismantling facility licensed in
11 accordance with all applicable federal, state and local laws
12 and the costs of recycling. The manufacturers shall work
13 cooperatively with consolidation facilities to ensure
14 implementation of a practical and feasible financing system.
15 Within 90 days of receipt of an invoice, a manufacturer
16 shall reimburse a consolidation facility for allowable costs
17 incurred by that consolidation facility.

18 F. Beginning January 1, 2006 and ending December 31, 2011,
19 the State is responsible for the cost of handling and
20 recycling orphan waste computer monitors generated from
21 households in this State and received at consolidation
22 facilities in this State. The State shall pay the
23 operational costs of a consolidation facility attributable
24 to the handling of the orphan waste computer monitors
25 generated by households, transportation costs from the
26 consolidation facility to a recycling and dismantling
27 facility licensed in accordance with all applicable federal,
28 state and local laws and the costs of recycling.

29 **6. Manufacturer plan and reporting requirements.** A
30 manufacturer shall develop a plan and submit a report as required
31 in this subsection.

32 A. A manufacturer shall develop a plan for the collection
33 and recycling or reuse of computer monitors and televisions
34 as follows.

35 (1) By January 1, 2011, a manufacturer of computer
36 monitors and a manufacturer of televisions shall
37 develop and submit to the department a plan for the
38 collection and recycling or reuse of computer monitors
39 and televisions produced by the manufacturer and
40 generated as waste by households in this State.

41 (2) By January 1, 2012, a manufacturer of computer
42 monitors and a manufacturer of televisions shall
43 implement and finance the implementation of a plan for
44 the collection and recycling or reuse of computer
45 monitors and televisions produced by the manufacturer
46 and generated as waste by households in this State.

2 (3) Notwithstanding subparagraphs (1) and (2), a
4 manufacturer may satisfy the plan requirements of this
6 paragraph by agreeing to participate in a collective
8 recovery plan with other manufacturers. The collective
 recovery plan must meet the same standards and
 requirements of the plans submitted by individual
 manufacturers.

10 (4) The plan developed by the manufacturer must
12 include, at a minimum:

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

16 (b) A public education element to inform the
18 public about the collection system, including
20 details about meeting all consumer notification
 and labeling requirements;

22 (c) Details for implementing and financing the
24 handling of computer monitors and televisions
26 produced by the manufacturer and orphan waste
 computer monitors that are generated as waste by
 households in this State received by consolidation
 facilities in this State for the recovery,
 recycling and reuse of that equipment;

28 (d) Details for the method of reimbursing
30 consolidation facilities for the costs of handling
32 and recycling the household computer monitors and
 televisions;

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

40 (f) Assurances that the plan and all necessary
42 parties will operate in compliance with local,
44 state and federal waste management laws, rules and
 regulations;

46 (g) Descriptions of the performance measures that
48 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;

50

2 (h) Descriptions of additional or alternative
3 actions that will be taken to improve recovery and
4 recycling rates, if needed; and

5 (i) Annual sales data on the number and type of
6 covered electronic devices sold by the
7 manufacturer in this State over the 10 years
8 preceding the filing of the plan for televisions
9 and 5 years preceding the filing of the plan for
10 computer monitors.

11 (5) A manufacturer is responsible for all costs
12 associated with the development and implementation of
13 the plan. If the costs are passed on to consumers, the
14 costs must be imposed at the time of purchase and not
15 with a fee imposed at the end of life of the computer
16 monitor or television.

17 B. Beginning July 1, 2007 for computer monitor
18 manufacturers, July 1, 2013 for manufacturers of all other
19 covered electronic devices, and annually thereafter, a
20 manufacturer that offers a covered electronic device for
21 sale in this State shall submit a report to the department
22 that includes the following: a description of the
23 collection, consolidation and recycling services utilized to
24 recover the manufacturer's products; substantiated
25 estimates, on an annual basis for the preceding calendar
26 year, on the quantities of covered electronic devices
27 marketed in this State and collected for recovery in this
28 State; the capture rate for electronics based on sales in
29 this State; substantiated estimates of the percentage of
30 collected materials that are reused and recycled from their
31 products; the identification of end markets for the
32 collected waste; and any systems implemented by the
33 manufacturer to ensure environmentally sound management of
34 its products. The manufacturer may indicate which, if any,
35 portions of the report it considers proprietary and, if the
36 department concurs that the information meets state legal
37 requirements for confidentiality, those sections of the
38 report may not be made public.

39 7. **Advanced recovery fee.** Beginning January 1, 2005, an
40 advanced recovery fee, referred to in this section as "the fee,"
41 is imposed upon each initial sale within the State of each
42 television to a consumer by a retailer. A retailer who sells a
43 television to a consumer shall collect a fee of \$6 for each
44 television sold. The retailer may retain 3% of the fee as
45 reimbursement for costs associated with the fee collection. At
46 least quarterly, the retailer shall remit the fees collected to
47 the Department of Administrative and Financial Services, Bureau
48 of Administration.

2 of Revenue Services for deposit into a dedicated subaccount
3 within the Maine Solid Waste Management Fund established in
4 section 2201. The fee sunsets January 1, 2012 unless the
5 Legislature extends the fee.

6 By July 1, 2007, the office shall evaluate whether the amount of
7 the fee is appropriate to cover eligible expenses incurred by
8 consolidation facilities and municipalities. The office, after a
9 public hearing, may increase or decrease the fee as necessary to
10 pay eligible expenses, but the fee may not exceed \$10.

12 **8. Fund management.** The fee collected pursuant to
13 subsection 7 must be deposited into a dedicated subaccount within
14 the Maine Solid Waste Management Fund. The revenues in the
15 subaccount must be distributed as follows.

16 A. The office shall reimburse consolidation facilities for
17 expenses incurred prior to January 1, 2012 that consist of
18 the operational costs of the consolidation facility
19 attributable to the handling of household-generated
20 televisions and orphan waste computer monitors,
21 transportation costs for these units from the consolidation
22 facility to a recycling and dismantling facility licensed in
23 accordance with all applicable federal, state and local laws
24 and the cost of recycling these units. Consolidation
25 facilities are eligible for reimbursement provided they are
26 in compliance with subsection 5, paragraph B.

28 B. The office shall reimburse municipalities for expenses
29 incurred prior to January 1, 2012 related to the
30 transportation of computer monitors and televisions from a
31 municipal collection site to a consolidation facility in the
32 State that the municipality can document exceed the current
33 cost of transportation and disposal of an equivalent tonnage
34 of that municipality's municipal solid waste.

36 C. The office shall reimburse the department for expenses
37 it incurs from activities related to enforcement of the
38 provisions of this section.

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

42 E. Any funds remaining in the dedicated subaccount within
43 the Maine Solid Waste Management Fund after payment of all
44 eligible costs incurred prior to January 1, 2012 by
45 consolidation facilities and municipalities must be used to
46 support municipal recycling programs unless otherwise
47 directed by the Legislature.

50

2 facilities are required to identify the manufacturer of
3 televisions delivered to the facility and to transport those
4 items to recycling and dismantling facilities.

6 Beginning in 2006, computer manufacturers are responsible
7 for the handling and recycling of computer monitors that are
8 received at consolidation facilities and must pay for the
9 operational costs of the consolidation facility attributable to
10 the handling of computer monitors. Beginning in 2012, television
11 manufacturers are responsible for the handling and recycling of
12 all televisions that are received at consolidation facilities and
13 must pay for the operational costs of the consolidation facility
14 attributable to the handling of televisions.

16 Beginning in 2006 and ending on December 31, 2011, the State
17 is responsible for the cost of handling and recycling orphan
18 waste computer monitors that are received at consolidation
19 facilities and the State must pay for the operational costs of
20 the consolidation facility attributable to the handling of orphan
21 waste computer monitors, costs for transportation from the
22 consolidation facility to a licensed recycling and dismantling
23 facility and the cost of recycling.

24 The bill requires manufacturers of computer monitors and
25 televisions to submit plans for the collection and recycling of
26 computer monitors and televisions. It also establishes reporting
27 requirements for manufacturers.

28 The bill sets a fee on the retail sale of televisions of \$6
29 for each unit sold. Collection of the fee starts January 1, 2005
30 and ends January 1, 2012. The fee is deposited into the Maine
31 Solid Waste Management Fund to reimburse:
32

34 1. Consolidation facilities for expenses incurred prior to
35 January 1, 2012 for operational costs, costs of transportation
36 from the facilities to recycling and dismantling facilities and
37 the costs of recycling;

38 2. Municipalities for expenses incurred prior to January 1,
39 2012 related to transportation from a municipal collection site
40 to a consolidation facility, if the cost exceeds the current cost
41 of transportation and disposal of an equivalent tonnage of that
42 municipality's municipal solid waste; and

44 3. The Department of Environmental Protection for expenses
45 it incurs for enforcement.