

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1901

H.P. 1407

House of Representatives, March 2, 2004

**An Act To Protect Health and the Environment by Improving the
System for the Collection and Recovery of Mercury-added
Thermostats**

Reported by Representative KOFFMAN of Bar Harbor for the Joint Standing Committee on Natural Resources pursuant to Public Law 2003, chapter 221, section 5 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

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 38 MRSA §1664, sub-§2**, as enacted by PL 1999, c. 779,
5 §2, is amended to read:

6 **2. Thermostats.** A manufacturer of thermostats that contain
7 mercury or a manufacturer of thermostats that may replace
8 thermostats that contain mercury shall, in addition to the
9 requirements of ~~section~~ sections 1662 and 1664-A, provide
10 incentives for and sufficient information to purchasers and
11 consumers of the thermostats for the purchasers or consumers to
12 ensure that mercury in thermostats being removed from service is
13 reused, recycled or otherwise managed in compliance with section
14 1663. A manufacturer that has complied with this subsection is
15 not liable for improper disposal by purchasers or consumers of
16 thermostats. Manufacturer collection programs conducted in
17 accordance with universal waste rules adopted by the department
18 meet the requirements of this subsection.

19 **Sec. 2. 38 MRSA §1664-A** is enacted to read:

20 **§1664-A. Mercury-added thermostats**

21 **1. Collection and recycling program.** The manufacturers of
22 mercury-added thermostats sold in this State shall individually
23 or collectively:

24 A. Within 3 months of the effective date of this section,
25 establish and maintain 100 collection centers to which
26 mercury-added thermostats may be transported that are
27 geographically located to serve all areas of the State;

28 B. Equip each collection center with a container that meets
29 department specifications to receive mercury-added
30 thermostats from residents of the State, including but not
31 limited to heating, ventilation and air conditioning
32 contractors;

33 C. Take financial responsibility to provide for shipping
34 filled containers to appropriate facilities and for
35 processing and recycling the mercury;

36 D. As part of or in addition to the collection centers
37 required by this section, establish a collection center at:

38 (1) The place of business of any heating, ventilation
39 or air conditioning contractor that requests in writing
40 to be included in the collection and recycling program;
41 and

2 thermostats. The bill also requires manufacturers of
mercury-added thermostats sold in the State to annually report to
4 the Department of Environmental Protection on the progress of the
collection and recycling program. The bill also sets a goal of
6 collecting and recycling at least 90% of all mercury-added
thermostats removed from buildings and sets an interim target for
removal of 100 pounds of mercury by December 31, 2005. Finally,
8 the bill directs the Department of Environmental Protection to
submit a report on the effectiveness of the collection and
10 recycling program to the joint standing committee of the
Legislature having jurisdiction over natural resources matters by
12 January 30, 2006 and, if the target established in the bill is
not met, to report on a plan for manufacturers to pay for each
14 mercury-added thermostat returned to a collection center.