



121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

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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. Mac Jarland

MILLICENT M. MacFARLAND Clerk

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

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

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

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

22 §1664-A. Mercury-added thermostats

24 1. Collection and recycling program. The manufacturers of mercury-added thermostats sold in this State shall individually 26 or collectively:

- A. Within 3 months of the effective date of this section, establish and maintain 100 collection centers to which
 mercury-added thermostats may be transported that are geographically located to serve all areas of the State;
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B. Equip each collection center with a container that meets department specifications to receive mercury-added thermostats from residents of the State, including but not limited to heating, ventilation and air conditioning contractors;

40 <u>C. Take financial responsibility to provide for shipping</u> 40 <u>filled containers to appropriate facilities and for</u> <u>processing and recycling the mercury;</u>

D. As part of or in addition to the collection centers44required by this section, establish a collection center at:

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

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	(2) Transfer stations where universal waste is
2	(2) Transfer stations where universal waste is collected that are operated by any municipality that
L	requests in writing to be included in the collection
4	and recycling program;
б	E. Provide education and outreach services to heating, ventilation and air conditioning contractors in the State
8	that are sufficient to ensure that the contractors are
0	familiar with the collection and recycling program and the
10	environmental and human health reasons for safeguarding
	mercury; and
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	F. Take any measurers other than those in this subsection
14	necessary to meet or exceed the target in subsection 3.
16	2. Reporting. By January 15, 2005 and annually thereafter,
	manufacturers of mercury-added thermostats sold in the State
18	shall report to the department on the progress of the collection
	and recycling program under subsection 1. The report must
20	include education and outreach efforts undertaken and the number
	<u>of units of mercury-added thermostats and the number of pounds of</u>
22	mercury collected and recovered at each of the collection centers
	and in total.
24	2 Gent and terms when each of the callestic and
26	3. Goal and target. The goal of the collection and
20	recycling program under subsection 1 is to collect and recycle at least 90% of all mercury-added thermostats removed from buildings
28	in the State. The interim target for the collection and
20	recycling program is to have 100 pounds of mercury from
30	thermostats removed from buildings by December 31, 2005.
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32	Sec. 3. Reports. Before January 30, 2006, the Department of
	Environmental Protection shall submit a report that assesses the
34	effectiveness of the collection and recycling program identified
	in the Maine Revised Statutes, Title 38, section 1664-A to the
36	joint standing committee of the Legislature having jurisdiction
	over natural resources matters. If the interim target identified
38	in Title 38, section 1664-A, subsection 3 is not met, the report
	must include a plan for the implementation of a program under
40	which the manufacturers of mercury-added thermostats sold in the
	State pay compensation for each mercury-added thermostat returned
42	to a collection center.

SUMMARY

This bill requires manufacturers of mercury-added 48 thermostats sold in the State to participate in a collection and recycling program that includes establishing 100 collection 50 centers in the State for the collection of mercury-added

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thermostats. The bill also requires manufacturers of mercury-added thermostats sold in the State to annually report to 2 the Department of Environmental Protection on the progress of the 4 collection and recycling program. The bill also sets a goal of collecting and recycling at least 90% of all mercury-added 6 thermostats removed from buildings and sets an interim target for removal of 100 pounds of mercury by December 31, 2005. Finally, the bill directs the Department of Environmental Protection to 8 submit a report on the effectiveness of the collection and recycling program to the joint standing committee of the 10 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 mercury-added thermostat returned to a collection center. 14