

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1058

S.P. 375

In Senate, March 1, 2005

An Act To Regulate the Use of Batteries Containing Mercury

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COWGER of Kennebec.
Cosponsored by Representative TWOMEY of Biddeford and
Senator: MARTIN of Aroostook, Representatives: DUCHESNE of Hudson, DUPLESSIE of
Westbrook, EBERLE of South Portland, KOFFMAN of Bar Harbor, PERCY of Phippsburg,
PINGREE of North Haven, THOMPSON of China.

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

4 **Sec. 1. 38 MRSA §1611** is enacted to read:

6 **§1611. Button cell batteries**

8 **1. Button cell battery defined.** For the purposes of this section, "button cell battery" means a tiny, circular battery that contains mercuric oxide and that is made for microelectronic applications, including, but not limited to, watches.

12 **2. Label required.** A button cell battery must bear an appropriate identification mark and must be packaged with information regarding proper disposal in accordance with this section.

16 **3. Disposal.** Beginning January 1, 2007, a person may not dispose of a button cell battery in a solid waste disposal facility or by burial, incineration, deposit or dumping so that the battery or any of its constituents may enter the environment or be emitted into the air or discharged into any waters.

20 **4. Button cell battery retailers.** A person selling or offering for retail sale button cell batteries must accept, at the point of transfer, used button cell batteries in reasonably clean and unbroken condition from customers.

24 **5. Violations.** A person that violates this section commits a civil violation subject to section 349.

28 **Sec. 2. 38 MRSA §1661, sub-§1, ¶¶D and E,** as repealed and replaced by PL 2001, c. 656, §1, are amended to read:

30 D. An electric relay or other electrical device; and

32 E. A lamp.; and

34 **Sec. 3. 38 MRSA §1661, sub-§1, ¶F** is enacted to read:

36 **F. A novelty with a battery that contains mercury.**

38 **Sec. 4. 38 MRSA §1661, sub-§6** is enacted to read:

40 **6. Novelty.** "Novelty" means a product intended mainly for personal or household enjoyment or adornment. "Novelty" includes, but is not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations and items of apparel.

Sec. 5. 38 MRSA §1661-C, sub-§9 is enacted to read:

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4 **9. Novelties.** After January 1, 2007, a person may not sell
6 or offer to sell or distribute for promotional purposes a novelty
that contains a battery that contains mercury in the State.

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SUMMARY

10 This bill bans, after January 1, 2007, the sale in this
12 State of novelties that contain batteries that contain mercury,
such as light-up games, cards and adornments. In addition, this
14 bill bans the disposal, after January 1, 2007, of button cell
batteries in landfills and incinerators and requires that such
batteries be packaged with information regarding proper disposal.