

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

Reported by:

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 709, L.D. 1792, Bill, "An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats"

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

Sec. 1. 38 MRSA §1665-B is enacted to read:

§1665-B. Mercury-added thermostats

1. Definition. For purposes of this section, "mercury-added thermostat" means a mercury-added thermostat as defined in section 1661-C, subsection 5.

2. Manufacturer responsibility. Each manufacturer of mercury-added thermostats that have been sold in this State shall, individually or collectively:

A. Establish and maintain a collection and recycling program for out-of-service mercury-added thermostats. The collection and recycling program must be designed and implemented to ensure that:

(1) A maximum rate of collection of mercury-added thermostats is achieved;

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2 (2) Handling and recycling of mercury-added
4 thermostats are accomplished in a manner that is
6 consistent with section 1663, with other provisions of
8 this chapter and with the universal waste rules adopted
10 by the board pursuant to section 1319-0;

12 (3) Authorized bins for mercury-added thermostat
14 collection are made available at all heating,
16 ventilation and air conditioning supply, electrical
18 supply and plumbing supply distributor locations that
20 sell thermostats; and

22 (4) By January 1, 2007, authorized bins for
24 mercury-added thermostat collection are made available
26 to municipalities and regions requesting bins for
28 mercury-added thermostat collection at universal waste
30 collection sites or at periodic household hazardous
32 waste collection events, as long as the collection
34 sites or events are approved by the department for
36 mercury-added thermostat collections;

38 B. Work cooperatively with the department and others in
40 accordance with subsection 4 to establish appropriate
42 systems in order to implement the plan developed pursuant to
44 subsection 4;

46 C. Within 3 months after the department develops phase one
48 of the plan required by subsection 4, implement phase one of
50 the plan;

D. Within 3 months after the department develops phase 2 of
 the plan required by subsection 4, implement phase 2 of the
 plan;

E. Within 3 months after the department develops phase one
 of the plan required by subsection 4, provide a financial
 incentive with a minimum value of \$5 for the return of each
 mercury-added thermostat by a contractor or service
 technician to an established recycling collection point;

F. Within 3 months after the department develops phase 2 of
 the plan required by subsection 4, provide a financial
 incentive with a minimum value of \$5 for the return of each
 mercury-added thermostat by a homeowner to an established
 recycling collection point; and

G. Beginning in 2008, submit an annual report to the
 department by January 30th of each year that includes at a
 minimum:

2 (1) The number of mercury-added thermostats collected
3 and recycled by that manufacturer pursuant to this
4 section during the previous calendar year;

6 (2) The estimated total amount of mercury contained in
7 the thermostat components collected by that
8 manufacturer pursuant to this section;

10 (3) An evaluation of the effectiveness of the
11 manufacturer's collection and recycling program and the
12 financial incentive provided pursuant to paragraphs E
13 and F; and

14 (4) An accounting of the administrative costs incurred
15 in the course of administering the collection and
16 recycling program and the financial incentive plan
17 developed pursuant to subsection 4.

18 **3. Sales prohibition.** Within 3 months after phase 2 of the
19 plan required by subsection 4 has been developed, the following
20 sales prohibitions apply to manufacturers, wholesalers and
21 retailers of thermostats:

24 A. A manufacturer not in compliance with this section is
25 prohibited from offering any thermostat for sale in the
26 State. A manufacturer not in compliance with this section
27 shall provide the necessary support to retailers to ensure
28 the manufacturer's thermostats are not offered for sale in
29 this State; and

30 B. A wholesaler or retailer may not offer for sale in this
31 State any thermostat of a manufacturer that is not in
32 compliance with this section.

34 **4. Financial incentive plan.** The department shall develop
35 a manufacturer financial incentive plan in 2 phases. By January
36 1, 2007, the department shall develop phase one of the plan,
37 which must address collection of mercury-added thermostats from
38 contractors and service technicians. By August 1, 2007, the
39 department shall develop phase 2 of the plan, which must address
40 collection of mercury-added thermostats from homeowners. The
41 plan must be developed in consultation with a stakeholder group
42 that includes representatives from the thermostat industry,
43 environmental groups, thermostat wholesalers and service
44 contractors. The plan must be developed in a manner that ensures
45 to the maximum extent practical that:

48 A. The capture rate of out-of-service mercury-added
49 thermostats is maximized;

50

2 B. Adequate incentives and education are provided to
3 contractors, service technicians and homeowners to encourage
4 return of thermostats to established recycling collection
5 points;

6 C. Administrative costs of the plan are minimized;

8 D. The plan encourages the purchase of nonmercury
9 thermostats qualified by the United States Environmental
10 Protection Agency's Energy Star program as replacements for
11 mercury-added thermostats; and

12 E. Mechanisms are in place to protect against the
13 fraudulent return of thermostats.

16 The plan must include a requirement that manufacturers provide a
17 financial incentive with a minimum value of \$5 for the return of
18 each mercury-added thermostat to an established recycling
19 collection point in accordance with subsection 2, paragraphs E
20 and F. The financial incentive may include, without limitation,
21 cash, rebates, discounts, coupons or other incentives.

22 5. Goals. The goal of the collection and recycling efforts
23 under this section is to collect and recycle at least 125 pounds
24 of mercury per year from mercury-added thermostats within 2 years
25 after the development of phase one of the plan required by
26 subsection 4 and at least 160 pounds of mercury per year within 3
27 years after the development of phase 2 of the plan required by
28 subsection 4.

30 6. Report. By March 15, 2007 and annually thereafter, the
31 department shall submit a report on the collection and recycling
32 of mercury-added thermostats in the State to the joint standing
33 committee of the Legislature having jurisdiction over natural
34 resources matters. The report due in 2007 must include a
35 description and discussion of the financial incentive plan
36 established under this section and recommendations for any
37 statutory changes concerning the collection and recycling of
38 mercury-added thermostats. Subsequent reports must include an
39 evaluation of the effectiveness of the thermostat collection and
40 recycling programs established under this section, information on
41 actual collection rates and recommendations for any statutory
42 changes concerning the collection and recycling of mercury-added
43 thermostats.

46 **Sec. 2. Authority to report legislation.** The joint standing
47 committee of the Legislature having jurisdiction over natural
48 resources matters may report out legislation to the First Regular
Session of the 123rd Legislature in connection with the

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report required pursuant to the Maine Revised Statutes, Title 38,
section 1665-B, subsection 6.'

SUMMARY

The amendment replaces the bill. The amendment requires manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It requires the Department of Environmental Protection to develop a manufacturer financial incentive plan. It bans the sale of all thermostats of a manufacturer that is not in compliance with the law. It sets goals for the collection and recycling of mercury-added thermostats. It requires the department to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and it authorizes that committee to report out legislation in connection with the 2007 report.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1792

LR 2848(02)

An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds