

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1840

H.P. 1280

House of Representatives, January 3, 2006

### An Act To Promote Recycling of Cellular Telephones

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative BABBIDGE of Kennebunk.

Cosponsored by Representatives: BRYANT of Windham, CUMMINGS of Portland, EBERLE of South Portland, FAIRCLOTH of Bangor, HARLOW of Portland, PERRY of Calais,

Senators: BRYANT of Oxford, SULLIVAN of York.

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

4 **Sec. 1. 38 MRSA §2143** is enacted to read:

6 **§2143. Cellular telephone recycling**

8 For the purposes of this section, a cellular telephone is a  
9 mobile wireless telephone device that is designed to send or  
10 receive transmissions through a cellular radiotelephone service  
11 as defined in 47 Code of Federal Regulations, Section 22.99  
12 (2005). A cellular telephone does not include a wireless  
13 telephone device that is integrated into the electrical  
14 architecture of a motor vehicle.

16 **1. System established.** Effective August 1, 2006, a person  
17 or retail establishment selling or offering for retail sale  
18 cellular telephones shall have a system for the acceptance and  
19 collection of used cellular telephones for reuse, recycling or  
20 proper disposal that includes at a minimum all of the following:

22 A. The return from a consumer of a used cellular telephone  
23 that the retailer previously sold to the consumer, at no  
24 cost to that consumer. The retailer may require proof of  
25 purchase;

26 B. The acceptance of a used cellular telephone from a  
27 consumer who is purchasing a new cellular telephone from  
28 that retailer, at no cost to that consumer;

30 C. Mechanisms to ensure safe disposal of any hazardous  
31 parts of cellular telephones not resold or reused; and

32 D. The posting of an 8.5" by 11" written notice provided by  
33 the department pursuant to subsection 2 that includes the  
34 display of the universal recycling symbol and the notice:  
35 "State law requires us to accept used cellular telephones  
36 for recycling in exchange for new cellular telephones  
37 purchased."

40 **2. Inspection and enforcement.** The department shall  
41 produce, print and distribute the notices required under  
42 subsection 1, paragraph D. The department shall enforce the  
43 provisions of this section and may inspect premises where  
44 cellular telephones are sold.

46 **SUMMARY**

48 This bill requires a retail establishment that sells  
49 cellular telephones to accept used cellular telephones for reuse,  
50 recycling or proper disposal of hazardous parts of the telephone.