

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
124TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 381,
L.D. 536, Bill, "An Act To Enhance Maine's Electronic Waste Recycling Law"

Amend the amendment by striking out everything after the title and before the
summary and inserting the following:

'Amend the bill by striking out all of the emergency preamble.

Amend the bill by inserting after section 4 the following:

'Sec. 5. 38 MRSA §1610, sub-§2, ¶G, as amended by PL 2009, c. 231, §2 and
affected by §7, is further amended to read:

G. "Orphan waste" means a covered electronic device, excluding a video game
console and a television, the manufacturer of which can not be identified or is no
longer in business and has no successor in interest.'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 38 MRSA §1610, sub-§5, as amended by PL 2009, c. 231, §3 and
affected by §7, is further amended to read:

5. Responsibility for recycling. Municipalities, consolidators, manufacturers and
the State share responsibility for the disposal of covered electronic devices as provided in
this subsection.

A. Each municipality that chooses to participate in the state collection and recycling
system shall ensure that computer monitors and televisions, desktop printers and
video game consoles generated as waste from households within that municipality's
jurisdiction are delivered to a consolidation facility in this State. A municipality may
meet this requirement through collection at and transportation from a local or
regional solid waste transfer station or recycling facility, by contracting with a
disposal facility to accept waste directly from the municipality's residents or through
curbside pickup or other convenient collection and transportation system.

B. A consolidator is subject to the requirements of this paragraph.

(1) A consolidator shall identify the manufacturer of each waste computer
monitor and desktop printer delivered to a consolidation facility and identified as
generated by a household in this State and shall maintain an accounting of the

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1 number of waste household computer monitors and desktop printers by
2 manufacturer. By March 1st each year, a consolidator shall provide this
3 accounting by manufacturer to the department.

4 (1-A) A consolidator shall maintain a written log of the total weight of
5 televisions and video game consoles delivered each month to the consolidator
6 and identified as generated by a household in the State. By March 1st each year,
7 a consolidator shall provide this accounting to the department.

8 (2) A consolidator may perform the manufacturer identification required by
9 subparagraph (1) at the consolidation facility or may contract for this
10 identification and accounting service with the recycling and dismantling facility
11 to which the ~~waste is~~ covered electronic devices are shipped.

12 (3) A consolidator shall work cooperatively with manufacturers to ensure
13 implementation of a practical and feasible financing system with costs calculated
14 for televisions on a basis proportional to the manufacturer's national market share
15 of televisions in the State multiplied by the total pounds recycled and with costs
16 calculated for video game consoles on a basis proportional to the manufacturer's
17 national market share of video game consoles in the State multiplied by the total
18 pounds recycled. At a minimum, a consolidator shall invoice the manufacturers
19 for the handling, transportation and recycling costs for which they are responsible
20 under the provisions of this subsection.

21 (4) A consolidator shall transport ~~waste~~ computer monitors ~~and waste,~~
22 televisions, desktop printers and video game consoles to a recycling and
23 dismantling facility that provides a sworn certification pursuant to paragraph C.
24 A consolidator shall maintain for a minimum of 3 years a copy of the sworn
25 certification from each recycling and dismantling facility that receives covered
26 electronic devices from the consolidator and shall provide the department with a
27 copy of these records within 24 hours of request by the department.

28 C. A recycling and dismantling facility shall provide to a consolidator a sworn
29 certification that its handling, processing, refurbishment and recycling of covered
30 electronic devices meet guidelines for environmentally sound management published
31 by the department.

32 D. Computer monitor ~~manufacturers and,~~ television, desktop printer and video game
33 console manufacturers are subject to the requirements of this paragraph.

34 (1) ~~Ninety days after the department adopts rules as provided for in this~~
35 ~~subparagraph, each~~ Each computer monitor manufacturer and each desktop
36 printer manufacturer is individually responsible for handling and recycling all
37 computer monitors and desktop printers that are produced by that manufacturer
38 or by any business for which the manufacturer has assumed legal responsibility,
39 that are generated as waste by households in this State and that are received at
40 consolidation facilities in this State. In addition, each computer manufacturer is
41 responsible for a pro rata share of orphan waste computer monitors and each
42 desktop printer manufacturer is responsible for a pro rata share of orphan waste
43 desktop printers generated as waste by households in this State and received at

1 consolidation facilities in this State. The manufacturers shall pay the reasonable
2 operational costs of the consolidator attributable to the handling of all computer
3 monitors and, televisions, desktop printers and video game consoles generated as
4 waste by households in this State, the transportation costs from the consolidation
5 facility to a licensed recycling and dismantling facility and the costs of recycling.
6 "Reasonable operational costs" includes the costs associated with ensuring that
7 consolidation facilities are geographically located to conveniently serve all areas
8 of the State as determined by the department. The recycling of televisions must
9 be funded by allocating the cost of the program among the manufacturers selling
10 televisions in the State on a basis proportional to the manufacturer's national
11 market share of televisions. The department shall annually determine each
12 television manufacturer's recycling share based on readily available national
13 market share data. If the department determines that a television manufacturer's
14 market share is less than 1/10 of 1%, the department may deem determine that
15 market share de minimus. A television manufacturer whose market share is
16 deemed determined de minimus by the department is not responsible for payment
17 of a pro rata share of televisions for the corresponding billing year. The total
18 market shares deemed determined de minimus by the department must be
19 proportionally allocated to and paid for by the television manufacturers that have
20 1/10 of 1% or more of the market. ~~The manufacturers shall ensure that~~
21 ~~consolidation facilities are geographically located to conveniently serve all areas~~
22 ~~of the State as determined by the department. By November 1, 2005, the~~
23 ~~department shall adopt routine technical rules as defined in Title 5, chapter 375,~~
24 ~~subchapter 2-A that identify the criteria that consolidators must use to determine~~
25 ~~reasonable operational costs attributable to the handling of computer monitors~~
26 ~~and televisions. The recycling of video game consoles must be funded by~~
27 ~~allocating the cost of the program among the manufacturers selling video game~~
28 ~~consoles in the State on a basis proportional to the manufacturer's national market~~
29 ~~share of video game consoles. The department shall annually determine each~~
30 ~~video game console manufacturer's recycling share based on readily available~~
31 ~~national market share data. If the department determines that a video game~~
32 ~~console manufacturer's market share is less than 1/10 of 1%, the department may~~
33 ~~determine that market share de minimus. A video game console manufacturer~~
34 ~~whose market share is determined de minimus by the department is not~~
35 ~~responsible for payment of a pro rata share of video game consoles for the~~
36 ~~corresponding billing year. The total market shares determined de minimus by~~
37 ~~the department must be proportionally allocated to and paid for by the video~~
38 ~~game console manufacturers that have 1/10 of 1% or more of the market.~~

39 (2) Each computer monitor manufacturer and, television manufacturer, desktop
40 printer manufacturer and video game console manufacturer shall work
41 cooperatively with consolidators to ensure implementation of a practical and
42 feasible financing system. Within 90 days of receipt of an invoice, a
43 manufacturer shall reimburse a consolidator for allowable costs incurred by that
44 consolidator.

45 E. Annually, by January 1st the department shall provide manufacturers of computer
46 monitors and desktop printers and consolidators with a listing of each manufacturer's

1 pro rata share of orphan waste computer monitors and desktop printers. The
2 department shall determine each manufacturer's pro rata share based on the best
3 available information, including but not limited to data provided by manufacturers
4 and consolidators and data from electronic waste collection programs in other
5 jurisdictions within the United States. Annually, the department shall also provide
6 manufacturers of televisions and consolidators with a listing of each television
7 manufacturer's proportional market share responsibility for the recycling of
8 televisions for the subsequent calendar year. Annually by January 1st, the
9 department shall also provide manufacturers of video game consoles and
10 consolidators with a listing of each video game console manufacturer's proportional
11 market share responsibility for the recycling of video game consoles for the
12 subsequent calendar year.'

13 Amend the bill by striking out all of section 7 and inserting the following:

14 '**Sec. 7. 38 MRSA §1610, sub-§6**, as amended by PL 2009, c. 231, §4 and
15 affected by §7, is repealed.'

16 Amend the bill in section 8 in subsection 6-A in the first paragraph in the last line
17 (page 4, line 35 in L.D.) by striking out the following: "that includes" and inserting the
18 following: 'and pay to the department an annual registration fee of \$3,000. The annual
19 registration must include'

20 Amend the bill in section 8 in subsection 6-A in the last paragraph in the last line
21 (page 5, line 18 in L.D.) by inserting after the following: "of the change." the following:
22 'Registration fees collected by the department pursuant to this subsection must be
23 deposited in the Maine Environmental Protection Fund established in section 351.'

24 Amend the bill by inserting after section 8 the following:

25 '**Sec. 9. 38 MRSA §1610, sub-§7**, as amended by PL 2009, c. 231, §5 and
26 affected by §7, is further amended to read:

27 **7. Enforcement; cost recovery.** The department must enforce this section in
28 accordance with the provisions of sections 347-A and 349. If a manufacturer fails to pay
29 for the costs allocated to it pursuant to ~~section 1610~~, subsection 5, paragraph D,
30 subparagraph (1), including, for a computer monitor manufacturer and a desktop printer
31 manufacturer, its pro rata share of costs attributable to orphan waste, the department may
32 pay a consolidator its legitimate costs from the Maine Solid Waste Management Fund
33 established in section 2201 and seek cost recovery from the nonpaying manufacturer.
34 Any nonpaying manufacturer is liable to the State for costs incurred by the State in an
35 amount up to 3 times the amount incurred as a result of such failure to comply.

36 The Attorney General is authorized to commence a civil action against any manufacturer
37 to recover the costs described in this subsection, which are in addition to any fines and
38 penalties established pursuant to section 349. Any money received by the State pursuant
39 to this subsection must be deposited in the Maine Solid Waste Management Fund
40 established in section 2201.'

41 Amend the bill in section 11 in the first line (page 5, line 29 in L.D.) by striking out
42 the following: "2009" and inserting the following: '2010'

43 Amend the bill by striking out all of sections 12 and 13 and inserting the following:

