

MAINE STATE LEGISLATURE

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Minority

L.D. 536

(Filing No. H-500)

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Minority
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the bill by inserting after section 4 the following:

'Sec. 5. 38 MRSA §1610, sub-§2, ¶D-1 is enacted to read:

D-1. "Market share" means a manufacturer's national sales of a covered electronic device expressed as a percentage of the total of all manufacturers' national sales for that category of covered electronic devices.

Sec. 6. 38 MRSA §1610, sub-§2, ¶G, as reallocated by RR 2003, c. 2, §119, is amended to read:

G. "Orphan waste" means a covered electronic device, excluding a video game console, 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 2007, c. 292, §43, 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.

COMMITTEE AMENDMENT

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

2 (1) ~~Beginning January 1, 2006, a~~ A consolidator shall identify the manufacturer
3 of each ~~waste~~ computer monitor and ~~waste television~~ desktop printer delivered to
4 a consolidation facility and identified as generated by a household in this State
5 and shall maintain an accounting of the number of ~~waste household~~ computer
6 monitors and ~~waste household televisions~~ desktop printers by manufacturer. By
7 March 1st each year ~~beginning in 2007~~, a consolidator shall provide this
8 accounting by manufacturer to the department.

9 (1-A) A consolidator shall maintain a written log of the total weight of video
10 game consoles delivered each month to the consolidator and identified as
11 generated by a household in the State. By March 1st each year, a consolidator
12 shall provide this accounting to the department.

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

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

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

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

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

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

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

29 (2) Each computer monitor manufacturer ~~and, television manufacturer, desktop~~
30 ~~printer manufacturer and video game console manufacturer~~ shall work
31 cooperatively with consolidators to ensure implementation of a practical and
32 feasible financing system. Within 90 days of receipt of an invoice, a
33 manufacturer shall reimburse a consolidator for allowable costs incurred by that
34 consolidator.

35 E. ~~Annually, beginning January 1, 2006, by January 1st~~ the department shall provide
36 manufacturers of computer monitors and desktop printers and consolidators with a
37 listing of each manufacturer's pro rata share of orphan waste computer monitors and
38 ~~televisions~~ desktop printers. The department shall determine each manufacturer's pro
39 rata share based on the best available information, including but not limited to data
40 provided by manufacturers and consolidators and data from electronic waste
41 collection programs in other jurisdictions within the United States. Annually by
42 January 1st, the department shall also provide manufacturers of video game consoles
43 and consolidators with a listing of each video game console manufacturer's
44 proportional market share responsibility for the recycling of video game consoles for
45 the subsequent calendar year.'

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

105

COMMITTEE AMENDMENT "B" to H.P. 381, L.D. 536

1 'Sec. 9. 38 MRSA §1610, sub-§7, as amended by PL 2005, c. 330, §40, is further
2 amended to read:

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

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

17 Amend the bill by striking out all of section 12.

18 Amend the bill in section 13 in the last line (page 5, line 36 in L.D.) by inserting at
19 the end the following: 'Those sections of this Act that amend Title 38, section 1610,
20 subsections 5 and 7 take effect January 1, 2010.'

21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
22 section number to read consecutively.

23 **SUMMARY**

24 This amendment is the minority report of the committee. Effective January 1, 2010,
25 it changes the basis for video game console manufacturers' responsibility for recycling
26 video game consoles to a market share basis and it removes television manufacturers'
27 responsibility for recycling televisions under a return share basis. It differs from the
28 majority report in that it does not require manufacturers of computer monitors,
29 televisions, desktop printers and video game consoles to pay an annual registration fee of
30 \$3,000.

31 **FISCAL NOTE REQUIRED**

32 **(See attached)**

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 536

LR 767(03)

An Act To Enhance Maine's Electronic Waste Recycling Law

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

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Environmental Protection associated with modifying Maine's electronic waste recycling program can be absorbed within existing budgeted resources.