

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1032

H.P. 707

House of Representatives, March 17, 2009

**An Act To Ensure That Maine's Electronic Waste Collection and
Recycling System Is Self-funded**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Senator DAMON of Hancock and
Representatives: EBERLE of South Portland, GOODE of Bangor, WELSH of Rockport.

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

2 **Sec. 1. 38 MRSA §1310-B, sub-§2**, as repealed and replaced by PL 2007, c. 466,
3 Pt. A, §72, is amended to read:

4 **2. Hazardous waste information and information on mercury-added products**
5 **and electronic devices and mercury reduction plans.** Information relating to
6 hazardous waste submitted to the department under this subchapter, information relating
7 to mercury-added products submitted to the department under chapter 16-B, information
8 relating to electronic devices submitted to the department under section 1610, subsection
9 6, paragraph A, subparagraph (4), division (i) and section 1610, subsection 6, paragraph
10 **B C** or information relating to mercury reduction plans submitted to the department under
11 section 585-B, subsection 6 may be designated by the person submitting it as being only
12 for the confidential use of the department, its agents and employees, the Department of
13 Agriculture, Food and Rural Resources and the Department of Health and Human
14 Services and their agents and employees, other agencies of State Government, as
15 authorized by the Governor, employees of the United States Environmental Protection
16 Agency and the Attorney General and, for waste information, employees of the
17 municipality in which the waste is located. The designation must be clearly indicated on
18 each page or other portion of information. The commissioner shall establish procedures
19 to ensure that information so designated is segregated from public records of the
20 department. The department's public records must include the indication that information
21 so designated has been submitted to the department, giving the name of the person
22 submitting the information and the general nature of the information. Upon a request for
23 information, the scope of which includes information so designated, the commissioner
24 shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall
25 demonstrate to the satisfaction of the department that the designated information should
26 not be disclosed because the information is a trade secret or production, commercial or
27 financial information, the disclosure of which would impair the competitive position of
28 the submitter and would make available information not otherwise publicly available.
29 Unless such a demonstration is made, the information must be disclosed and becomes a
30 public record. The department may grant or deny disclosure for the whole or any part of
31 the designated information requested and within 15 days shall give written notice of the
32 decision to the submitter and the person requesting the designated information. A person
33 aggrieved by a decision of the department may appeal only to the Superior Court in
34 accordance with the provisions of section 346. All information provided by the
35 department to the municipality under this subsection is confidential and not a public
36 record under Title 1, chapter 13. In the event a request for such information is submitted
37 to the municipality, the municipality shall submit that request to the commissioner to be
38 processed by the department as provided in this subsection.

39 **Sec. 2. 38 MRSA §1610, sub-§6, ¶B**, as amended by PL 2005, c. 561, §8, is
40 repealed.

41 **Sec. 3. 38 MRSA §1610, sub-§6, ¶C** is enacted to read:

42 C. By July 1, 2010, and annually thereafter, a manufacturer that offers a computer
43 monitor or television for sale for delivery in this State shall register with the

1 department and pay to the department an annual registration fee of \$5,000. After July
2 1, 2010, if a manufacturer has not previously filed a registration, the manufacturer
3 shall file a registration with the department prior to any offer for sale for delivery in
4 this State of the manufacturer's computer monitors and televisions, and annually
5 thereafter, and shall pay to the department an annual registration fee of \$5,000. The
6 annual registration must include the following:

7 (1) The name and contact and billing information of the manufacturer;

8 (2) The manufacturer's brand names and the type of products on which each
9 brand is used, including:

10 (a) All brand names sold in the past; and

11 (b) All brand names currently being sold;

12 (3) Any word or phrase used as the label required under subsection 4. When a
13 word or phrase is used as a label, the manufacturer must include that word or
14 phrase and a general description of the ways in which it may appear on the
15 manufacturer's electronic products;

16 (4) Any logo, mark or image used as the label required under subsection 4.
17 When a logo, mark or image is used as a label, the manufacturer must include a
18 graphic representation of the logo, mark or image and a general description of the
19 logo, mark or image as it appears on the manufacturer's electronic products;

20 (5) The method or methods of sale used in or into this State;

21 (6) Annual sales data on the number and type of computer monitors and
22 televisions sold by the manufacturer in this State over the 5 years preceding the
23 registration. The department may keep information submitted pursuant to this
24 subparagraph confidential as provided under section 1310-B; and

25 (7) The manufacturer's consolidator handling option for the next calendar year
26 selected in accordance with rules adopted pursuant to subsection 5, paragraph D,
27 subparagraph (1).

28 A manufacturer's annual registrations filed subsequent to its initial registration must
29 clearly delineate any changes in information from the previous year's registration. If
30 there are any changes to the information on the manufacturer's registration, a
31 registered manufacturer shall submit an updated form to the department within 14
32 days of when any change occurs.

33 Registration fees collected by the department pursuant to this paragraph must be
34 deposited in the Maine Environmental Protection Fund established in section 351.

35 **Sec. 4. Effective date.** Those sections of this Act that amend the Maine Revised
36 Statutes, Title 38, section 1310-B, subsection 2 and repeal Title 38, section 1610,
37 subsection 6, paragraph B take effect July 1, 2010.

SUMMARY

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This bill amends the laws governing the collection and recycling of electronic waste to require manufacturers of computer monitors and televisions to register with the Department of Environmental Protection and pay an annual registration fee of \$5,000.