

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 717, L.D. 1042, Bill, "An Act To Continue To Reduce Mercury Use and Emissions"

Amend the bill by striking out all of sections 3 and 4.

Amend the bill in section 5 in subsection 5 by striking out all of paragraph B (page 2, lines 1 to 7 in L.D.) and inserting the following:

'B. Pay for each mercury switch brought to the consolidation facilities as partial compensation for the removal, storage and transport of the switches a minimum of \$4 if the vehicle identification number of the source vehicle is provided. If the vehicle identification number of the source vehicle is not provided, no payment is required;'

Amend the bill in section 6 in subsection 1 by striking out all of paragraph A (page 2, lines 31 to 34 in L.D.) and inserting the following:

'A. "Manufacturer" means a person who owns or owned a brand of mercury-added thermostats sold in the State before January 1, 2006.'

Amend the bill in section 6 in subsection 1 by inserting after paragraph C the following:

'D. "Wholesaler" means a business that the department determines is primarily engaged in the distribution and selling of electrical supplies or large quantities of heating, ventilation and air conditioning components to contractors that install electrical or heating, ventilation and air conditioning components.'

Amend the bill by striking out all of sections 7 and 8 and inserting the following:

'Sec. 7. 38 MRSA §1665-B, sub-§1-A is enacted to read:

1-A. Prohibitions. The following prohibitions apply to the sale or distribution of mercury thermostats in the State.

A. A person may not sell or offer to sell or distribute for promotional purposes a mercury thermostat.

COMMITTEE AMENDMENT

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1 B. A manufacturer not in compliance with this section is prohibited from offering
2 any thermostat for sale in the State. A manufacturer not in compliance with this
3 section shall provide the necessary support to retailers to ensure the manufacturer's
4 thermostats are not offered for sale in this State.

5 C. A wholesaler or retailer may not offer for sale in this State any thermostat of a
6 manufacturer that is not in compliance with this section.

7 **Sec. 8. 38 MRSA §1665-B, sub-§2, ¶A**, as enacted by PL 2005, c. 558, §1, is
8 amended to read:

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

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

13 (2) Handling and recycling of mercury-added thermostats are accomplished in a
14 manner that is consistent with section 1663, with other provisions of this chapter
15 and with the universal waste rules adopted by the board pursuant to section
16 1319-O;

17 (3) Authorized bins for mercury-added thermostat collection are made available
18 at a reasonable one-time fee not to exceed \$25 to all heating, ventilation and air
19 conditioning supply, electrical supply and plumbing supply distributor locations
20 that sell thermostats and to all retailers who volunteer to participate in the
21 program; and

22 (4) By January 1, 2007, authorized bins for mercury-added thermostat collection
23 are made available at a reasonable one-time fee not to exceed \$25 to
24 municipalities and regions requesting bins for mercury-added thermostat
25 collection at universal waste collection sites or at periodic household hazardous
26 waste collection events, as long as the collection sites or events are approved by
27 the department for mercury-added thermostat collections;'

28 Amend the bill by striking out all of section 10 and inserting the following:

29 **'Sec. 10. 38 MRSA §1665-B, sub-§2, ¶G**, as enacted by PL 2005, c. 558, §1, is
30 amended to read:

31 G. Beginning in 2008, submit an annual report to the department by January 30th of
32 each year ~~that includes.~~ The report must be submitted on a form provided by the
33 department and must include at a minimum:

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

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

38 (3) An evaluation of the effectiveness of the manufacturer's collection and
39 recycling program and the financial incentive provided pursuant to paragraphs E
40 and F; and

1 (4) An accounting of the administrative costs incurred in the course of
2 administering the collection and recycling program and the financial incentive
3 plan developed pursuant to subsection 4;

4 (5) A description of the education and outreach strategies employed during the
5 previous calendar year to increase participation and collection rates and examples
6 of education and outreach materials used; and

7 (6) Modifications that the manufacturer is proposing to make in its collection and
8 recycling program; and'

9 Amend the bill in section 11 in paragraph H by striking out all of subparagraph (4)
10 (page 4, lines 21 to 23 in L.D.) and inserting the following:

11 '(4) The total amount of mercury collected.'

12 Amend the bill by striking out all of sections 12 to 15 and inserting the following:

13 **'Sec. 12. 38 MRSA §1665-B, sub-§2-A** is enacted to read:

14 **2-A. Wholesaler responsibility.** A wholesaler shall post in a prominent location
15 open to public view a notice about the financial incentive plan developed pursuant to
16 subsection 4. The notice must be approved by the department and supplied by the
17 manufacturer at no cost to the wholesaler.

18 **Sec. 13. 38 MRSA §1665-B, sub-§2-B** is enacted to read:

19 **2-B. Termination of retailer participation.** A manufacturer may terminate a
20 retailer's participation in the collection program under subsection 2, paragraph A only
21 after complying with the provisions of this subsection.

22 A. The manufacturer must notify the retailer, in writing, of noncompliance with
23 program policies and procedures and provide the retailer an opportunity to comply.

24 B. If the retailer continues to send in significant ineligible materials through the
25 collection program after 2 written notices of noncompliance, the manufacturer may
26 terminate the retailer's participation.

27 C. For termination to occur under this subsection, the manufacturer must notify the
28 retailer and the department in writing.

29 **Sec. 14. 38 MRSA §1665-B, sub-§3,** as enacted by PL 2005, c. 558, §1, is
30 repealed.'

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

33 **SUMMARY**

34 This amendment removes the sections of the bill that ban the sale of mercury-added
35 recoil reduction devices and wheel balancing products. The amendment removes the
36 provision in the bill that proposed to change the requirement that a vehicle identification
37 number must be provided in order to receive payment under the automobile mercury

R 013

COMMITTEE AMENDMENT "A" to H.P. 717, L.D. 1042

- 1 switch recycling program. The amendment makes the following changes to the proposals
2 to amend the law on the collection and recycling of mercury thermostats.
- 3 1. It amends the definition of "manufacturer" and adds a definition of "wholesaler."
 - 4 2. It authorizes a one-time fee not to exceed \$25 for bins for mercury-added
5 thermostat collection.
 - 6 3. It amends the annual report requirements.
 - 7 4. It amends the quarterly reporting requirements.
 - 8 5. It removes the required education and outreach plan.
 - 9 6. It authorizes a manufacturer to terminate a retailer's participation in the collection
10 program after 2 written notices. The bill proposed termination after 3 written notices.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1042

LR 889(02)

An Act To Continue To Reduce Mercury Use and Emissions

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 revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Environmental Protection associated with improving the mercury thermostat collecting and recycling program and performing other administrative duties can be absorbed within existing budgeted resources.