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H.P. 547

House of Representatives, February 23, 2011

An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components

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Heath & Pruit

HEATHER J.R. PRIEST Clerk

Presented by Representative WALSH INNES of Yarmouth. Cosponsored by Senator GOODALL of Sagadahoc and Representatives: CHIPMAN of Portland, DUCHESNE of Hudson, HARLOW of Portland, HINCK of Portland.

- 1 Be it enacted by the People of the State of Maine as follows:
- Sec. 1. 38 MRSA §1665-A, sub-§5, as amended by PL 2009, c. 277, §3, is
 further amended to read:
- 5. Motor vehicle manufacturer responsibility. Manufacturers of motor vehicles
 sold in this State that contain mercury switches or mercury headlamps shall, individually
 or collectively, do the following:
- A. Establish a system to collect and recycle mercury switches removed pursuant to subsection 3. The system may consist of consolidation facilities geographically located to serve all areas of the State to which the switches may be transported by the persons performing the removal or any other collection methodology approved by the department. The system must be convenient to use, must accept the switches free of charge and may not provide for collection of the switches at an automobile dealership;
- 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 <u>or year, make and model</u> of the source vehicle is provided. If the vehicle identification number <u>or year, make and model</u> of the source vehicle is not provided, no payment is required;
- C. Ensure that mercury switches collected pursuant to paragraph A are managed in
 accordance with the universal waste rules adopted by the board under subsection 8;
 and
- D. Provide the department and persons who remove motor vehicle components under this section with information, training and other technical assistance required to facilitate removal and recycling of the components in accordance with the universal waste rules adopted by the board under subsection 8, including, but not limited to, information identifying the motor vehicle models that contain or may contain mercury switches or mercury headlamps.
- The goal of this collection and recycling effort is to minimize mercury emissions to the environment by ensuring that all mercury switches are removed from motor vehicles for recycling before the vehicles are flattened, baled or crushed.
- In complying with the requirements of this subsection, manufacturers of motor vehicles shall establish a system that does not require a person who removes a mercury switch to segregate switches separately according to each manufacturer of motor vehicles from which the switches are removed.
- For purposes of this subsection, unless the context otherwise indicates, "manufacturer" means a person, or a person's successor in interest, that has legal ownership of the brand of a product sold in the State, or imports a product branded by a person that has legal ownership of the brand of a product sold in the State and has no physical presence in the United States.
- 40 Sec. 2. 38 MRSA §1665-A, sub-§10 is enacted to read:

1 10. Enforcement; cost recovery. If a manufacturer under subsection 5 fails to implement a mercury switch collection and recycling program approved by the 2 3 department, or fails to pay costs incurred and allocated to it by a product stewardship program pursuant to chapter 18 for its responsibilities pursuant to subsection 5, the 4 department may pay for the legitimate costs of collection and recycling of the 5 manufacturer's mercury switches from the Maine Solid Waste Management Fund 6 established in section 2201 and seek cost recovery from the nonpaying manufacturer. 7 Any nonpaying manufacturer is liable to the State for costs incurred by the State in an 8 9 amount up to 3 times the amount incurred as a result of such failure to comply.

10 The Attorney General is authorized to commence a civil action against a nonpaying 11 manufacturer to recover the costs described in this subsection, which are in addition to 12 any fines and penalties established pursuant to section 349. Money received by the State 13 pursuant to this subsection must be deposited in the Maine Solid Waste Management 14 Fund established in section 2201.

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SUMMARY

16 This bill clarifies that payment is required for the disposal of mercury-added motor 17 vehicle components for motor vehicles for which a vehicle identification number or year, 18 make and model have been provided. The bill defines the term "manufacturer." The bill 19 also authorizes the Department of Environmental Protection to pay for the cost of 20 collecting and recycling a manufacturer's mercury switches and seek cost recovery from 21 the nonpaying manufacturer. The bill also authorizes the Attorney General to bring a 22 civil action against a nonpaying manufacturer to recover the costs.