

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 981

H.P. 725

House of Representatives, March 8, 2011

**An Act To Increase Recycling Jobs in Maine and Lower Costs for
Maine Businesses Concerning Recycled Electronics**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative INNES of Yarmouth.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Representatives: BICKFORD of Auburn, BOLDUC of Auburn, CHIPMAN of Portland,
DUCHESNE of Hudson, KESCHL of Belgrade, Senators: GOODALL of Sagadahoc,
RECTOR of Knox, WOODBURY of Cumberland.

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

2 **Sec. 1. 38 MRSA §1610, sub-§2, ¶B**, as amended by PL 2007, c. 292, §40, is
3 further amended to read:

4 B. "Consolidation facility" means a facility where electronic wastes are consolidated
5 and temporarily stored while awaiting shipment of at least a 40-foot trailer full of
6 covered electronic devices to a recycling, treatment or disposal facility.
7 "Consolidation facility" includes a transport vehicle owned or leased by a
8 consolidator and used to collect covered electronic devices at ~~municipal~~ collection
9 sites in this State at a cost no greater than the per pound transportation rate for a full
10 40-foot trailer as approved by the department for each consolidator pursuant to the
11 rules governing reasonable operational costs adopted under subsection 5, paragraph
12 D, subparagraph ~~4~~ (1).

13 **Sec. 2. 38 MRSA §1610, sub-§2, ¶F**, as reallocated by RR 2003, c. 2, §119, is
14 repealed.

15 **Sec. 3. 38 MRSA §1610, sub-§2, ¶J-1** is enacted to read:

16 J-1. "Small universal waste generator" means an entity that qualifies as a small
17 universal waste generator under department rules regarding hazardous waste
18 management.

19 **Sec. 4. 38 MRSA §1610, sub-§5, ¶B**, as amended by PL 2009, c. 397, §7, is
20 further amended to read:

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

22 (1) A consolidator shall identify the manufacturer of each waste computer
23 monitor and desktop printer delivered to a consolidation facility and identified as
24 generated by a household or a small universal waste generator in this State and
25 shall maintain an accounting of the number of waste household computer
26 monitors and desktop printers by manufacturer. By March 1st each year, a
27 consolidator shall provide this accounting by manufacturer to the department.

28 (1-A) A consolidator shall maintain a written log of the total weight of
29 televisions and video game consoles delivered each month to the consolidator
30 and identified as generated by a household or a small universal waste generator
31 in the State. By March 1st each year, a consolidator shall provide this accounting to
32 the department.

33 (2) A consolidator may perform the manufacturer identification required by
34 subparagraph (1) at the consolidation facility or may contract for this
35 identification and accounting service with the recycling and dismantling facility
36 to which the covered electronic devices are shipped.

37 (3) A consolidator shall work cooperatively with manufacturers to ensure
38 implementation of a practical and feasible financing system with costs calculated
39 for televisions on a basis proportional to the manufacturer's national market share
40 of televisions in the State multiplied by the total pounds recycled and with costs

1 calculated for video game consoles on a basis proportional to the manufacturer's
2 national market share of video game consoles in the State multiplied by the total
3 pounds recycled. At a minimum, a consolidator shall invoice the manufacturers
4 for the handling, transportation and recycling costs for which they are responsible
5 under the provisions of this subsection.

6 (4) A consolidator shall transport computer monitors, televisions, desktop
7 printers and video game consoles to a recycling and dismantling facility that
8 provides a sworn certification pursuant to paragraph C. A consolidator shall
9 maintain for a minimum of 3 years a copy of the sworn certification from each
10 recycling and dismantling facility that receives covered electronic devices from
11 the consolidator and shall provide the department with a copy of these records
12 within 24 hours of request by the department.

13 **Sec. 5. 38 MRSA §1610, sub-§5, ¶D**, as amended by PL 2009, c. 397, §7, is
14 further amended to read:

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

17 (1) Each computer monitor manufacturer and each desktop printer manufacturer
18 is individually responsible for handling and recycling all computer monitors and
19 desktop printers that are produced by that manufacturer or by any business for
20 which the manufacturer has assumed legal responsibility, that are generated as
21 waste by households and small universal waste generators in this State and that
22 are received at consolidation facilities in this State. In addition, each computer
23 manufacturer is responsible for a pro rata share of orphan waste computer
24 monitors and each desktop printer manufacturer is responsible for a pro rata share
25 of orphan waste desktop printers generated as waste by households and small
26 universal waste generators in this State and received at consolidation facilities.
27 The manufacturers shall pay the reasonable operational costs of the consolidator
28 attributable to the handling of all computer monitors, televisions, desktop printers
29 and video game consoles ~~generated as waste by households received at~~
30 consolidation facilities in this State, the transportation costs from the
31 consolidation facility to a licensed recycling and dismantling facility and the
32 costs of recycling. "Reasonable operational costs" includes the costs associated
33 with ensuring that consolidation facilities are geographically located to
34 conveniently serve all areas of the State as determined by the department. The
35 recycling of televisions must be funded by allocating the cost of the program
36 among the manufacturers selling televisions in the State on a basis proportional to
37 the manufacturer's national market share of televisions. The department shall
38 annually determine each television manufacturer's recycling share based on
39 readily available national market share data. If the department determines that a
40 television manufacturer's market share is less than 1/10 of 1%, the department
41 may determine that market share de minimus. A television manufacturer whose
42 market share is determined de minimus by the department is not responsible for
43 payment of a pro rata share of televisions for the corresponding billing year. The
44 total market shares determined de minimus by the department must be
45 proportionally allocated to and paid for by the television manufacturers that have

1 1/10 of 1% or more of the market. The recycling of video game consoles must be
2 funded by allocating the cost of the program among the manufacturers selling
3 video game consoles in the State on a basis proportional to the manufacturer's
4 national market share of video game consoles. The department shall annually
5 determine each video game console manufacturer's recycling share based on
6 readily available national market share data. If the department determines that a
7 video game console manufacturer's market share is less than 1/10 of 1%, the
8 department may determine that market share de minimus. A video game console
9 manufacturer whose market share is determined de minimus by the department is
10 not responsible for payment of a pro rata share of video game consoles for the
11 corresponding billing year. The total market shares determined de minimus by
12 the department must be proportionally allocated to and paid for by the video
13 game console manufacturers that have 1/10 of 1% or more of the market.

14 (2) Each computer monitor manufacturer, television manufacturer, desktop
15 printer manufacturer and video game console manufacturer shall work
16 cooperatively with consolidators to ensure implementation of a practical and
17 feasible financing system. Within 90 days of receipt of an invoice, a
18 manufacturer shall reimburse a consolidator for allowable costs incurred by that
19 consolidator.

20 **Sec. 6. 38 MRSA §1610, sub-§6-A**, as enacted by PL 2009, c. 397, §9 and
21 affected by §14, is amended to read:

22 **6-A. Manufacturer registration.** ~~By~~ Prior to offering a covered electronic device
23 and by July 1st annually, a manufacturer that offers or has offered a computer monitor,
24 ~~television, or desktop printer,~~ or offers or has offered within the preceding calendar year a
25 television or video game console, for sale in or into this State shall submit a registration
26 to the department ~~and pay to the department an annual registration fee of \$3,000.~~ The
27 annual registration must include:

- 28 A. The name, contact and billing information of the manufacturer;
- 29 B. The manufacturer's brand name or names and the type of televisions, video game
30 consoles, computer monitors and desktop printers on which each brand is used,
31 including:
- 32 (1) All brands sold in the State in the past; and
33 (2) All brands currently being sold in the State;
- 34 C. When a word or phrase is used as the label, the manufacturer must include that
35 word or phrase and a general description of the ways in which it may appear on the
36 manufacturer's electronic products;
- 37 D. When a logo, mark or image is used as a label, the manufacturer must include a
38 graphic representation of the logo, mark or image and a general description of the
39 logo, mark or image as it appears on the manufacturer's electronic products;
- 40 E. The method or methods of sale used in the State;
- 41 F. Annual national sales data on the weight, number and type of computer monitors,
42 televisions, desktop printers and video game consoles sold by the manufacturer in this

1 State over the 5 years preceding the filing of the plan. The department may keep
2 information submitted pursuant to this paragraph confidential as provided under
3 section 1310-B; ~~and~~

4 G. The manufacturer's consolidator handling option for the next calendar year, as
5 selected in accordance with rules adopted pursuant to subsection 10-; and

6 H. A registration fee paid by a manufacturer as follows:

7 (1) Seven hundred and fifty dollars for manufacturers with less than 0.1%
8 national market share as determined by the department based on the most recent
9 readily available national market share data; and

10 (2) Three thousand dollars for all other manufacturers, except that computer
11 monitor and desktop printer manufacturers that have not marketed any covered
12 electronic device in the current calendar year and have had less than 50 units
13 managed by approved consolidators in the preceding 3 years are exempted from
14 paying the fee.

15 A manufacturer's annual registration filed subsequent to its initial registration must
16 clearly delineate any changes in information from the previous year's registration.
17 Whenever there is any change to the information on the manufacturer's registration, the
18 manufacturer shall submit an updated form within 14 days of the change. Registration
19 fees collected by the department pursuant to this subsection must be deposited in the
20 Maine Environmental Protection Fund established in section 351.

21 **Sec. 7. 38 MRSA §1610, sub-§8**, as reallocated by RR 2003, c. 2, §119, is
22 amended to read:

23 **8. Reports to Legislature.** The department shall submit a report on the recycling of
24 electronic waste in the State to the joint standing committee of the Legislature having
25 jurisdiction over natural resources matters ~~by January 15, 2008 and every 2 years~~
26 ~~thereafter until January 15, 2014~~ as part of each product stewardship report submitted in
27 accordance with section 1772. The report ~~must~~ may include an evaluation of the
28 recycling rates in the State for covered electronic devices, ~~a discussion of compliance and~~
29 ~~enforcement related to the requirements of this section~~ and recommendations for any
30 changes to the system of collection and recycling of electronic devices in the State.

31 SUMMARY

32 This bill provides that the recycling of covered electronic devices received at
33 collection sites and events from small universal waste generators is the manufacturer's
34 responsibility. It clarifies that a manufacturer must register with the State prior to selling
35 covered electronic devices in the State and must report sales information on annual
36 registrations in terms of national numbers. In addition, this bill modifies the annual
37 manufacturer registration fee from a flat fee to a tiered system based on a manufacturer's
38 annual national unit sales of covered electronic devices, and exempts certain historic
39 manufacturers from the registration fee requirements. It changes the reporting
40 requirements from every 2 years to being a part of the product stewardship report.