

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1578

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S.P. 626

In Senate, January 28, 2016

### An Act To Update Maine's Solid Waste Management Laws

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative CAMPBELL of Orrington and  
Senator: BREEN of Cumberland, Representatives: DUCHESNE of Hudson, WELSH of  
Rockport.

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

2 **Sec. 1. 38 MRSA §1611** is enacted to read:

3 **§1611. Stewardship program for small batteries**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 **A. "Approved product" means:**

7 (1) A covered battery or a covered battery-containing product for which its  
8 producer, individually or through a covered battery stewardship organization, has  
9 submitted a covered battery stewardship plan approved by the commissioner and  
10 the plan has been implemented to collect and recycle covered batteries or covered  
11 battery-containing products in accordance with the plan; or

12 (2) A covered battery-containing product that has been listed in accordance with  
13 subsection 8 as the product of a participant in a covered battery stewardship  
14 program.

15 **B. "Brand" means a trademark, including both a registered and an unregistered**  
16 **trademark, a logo, a name, a symbol, a word, an identifier or a traceable mark that**  
17 **identifies a covered battery or covered battery-containing product and identifies as**  
18 **the producer of the battery or product the owner or licensee of the brand.**

19 **C. "Covered battery" means a new or unused primary battery or a small rechargeable**  
20 **battery.**

21 **D. "Covered battery-containing product" means a new or unused primary battery-**  
22 **containing product or a rechargeable battery-containing product.**

23 **E. "Covered battery stewardship organization" or "organization" means an**  
24 **organization appointed by more than one producer to design, submit a plan for,**  
25 **implement and administer a covered battery stewardship program in accordance with**  
26 **this section and that has accepted that appointment.**

27 **F. "Covered battery stewardship plan" or "plan" means a plan submitted to the**  
28 **commissioner in accordance with subsection 3 by a producer or a covered battery**  
29 **stewardship organization.**

30 **G. "Covered battery stewardship program" or "program" means a system**  
31 **implemented for the collection, transportation, recycling and disposal of covered**  
32 **batteries in accordance with a covered battery stewardship plan approved under**  
33 **subsection 4.**

34 **H. "Discarded covered battery" means a covered battery that a user discarded,**  
35 **abandoned or sent for recycling or intended to discard, abandon or send for recycling.**

36 **I. "Operator" means a producer or covered battery stewardship organization that**  
37 **implements and administers a covered battery stewardship program.**

38 **J. "Participant" means a producer that establishes or participates in a covered battery**  
39 **stewardship program individually or by appointing and having that appointment**

1 accepted by a covered battery stewardship organization to operate the program on the  
2 producer's behalf.

3 K. "Primary battery" means a nonrechargeable battery that weighs 2 kilograms or  
4 less, including, but not limited to, nonrechargeable alkaline, carbon-zinc and lithium  
5 metal batteries.

6 L. "Primary battery-containing product" means a product that contains or is  
7 packaged with a primary battery. "Primary battery-containing product" does not  
8 include:

9 (1) A product from which a primary battery is not easily removed or is not  
10 intended or designed to be removed from the product other than by the  
11 manufacturer; or

12 (2) A medical device, as described in the Federal Food, Drug and Cosmetic Act,  
13 21 United States Code, Section 360(c) (2012), if, when the device or battery  
14 within the device is discarded, it must be treated as biomedical waste or if  
15 changing the supplier of the battery contained in the medical device would  
16 change the registration status of the device with the United States Food and Drug  
17 Administration pursuant to the Federal Food, Drug and Cosmetic Act, 21 United  
18 States Code, Section 360 (2012).

19 M. "Producer" means, with respect to a covered battery or covered battery-  
20 containing product that is sold, offered for sale or distributed for sale in the State, the  
21 following:

22 (1) The person that manufactures the covered battery or covered battery-  
23 containing product and sells or offers for sale in the State that battery or product  
24 under the person's own brand;

25 (2) If there is no person to which subparagraph (1) applies, the owner or licensee  
26 of a brand under which the covered battery or covered battery-containing product  
27 is sold or distributed in the State; or

28 (3) If there is no person to which subparagraph (1) or (2) applies, a person,  
29 including, but not limited to, a wholesaler or retailer, that imports the covered  
30 battery or covered battery-containing product into the United States for sale or  
31 distribution in the State.

32 N. "Rechargeable battery-containing product" means a product that contains or is  
33 packaged with a small rechargeable battery. "Rechargeable battery-containing  
34 product" does not include:

35 (1) A product from which a rechargeable battery is not easily removed or is not  
36 intended or designed to be removed from the product other than by the  
37 manufacturer; or

38 (2) A medical device, as described in the Federal Food, Drug and Cosmetic Act,  
39 21 United States Code, Section 360c (2012), if, when the device or battery within  
40 the device is discarded, it must be treated as biomedical waste.

41 O. "Recycling" means any process through which a discarded covered battery or its  
42 components or by-products is transformed from its original identity or form into new

1 usable or marketable material. "Recycling" does not include the incineration of a  
2 discarded covered battery or its components or by-products for energy recovery.

3 P. "Retailer" means a person that sells or offers a covered battery or covered battery-  
4 containing product for retail sale, as defined in Title 36, section 1752, subsection 11,  
5 in the State, including through a remote offering for sale, such as a sales outlet or  
6 sales catalog or via the Internet.

7 Q. "Small rechargeable battery" means a battery that contains one or more voltaic or  
8 galvanic cells, electrically connected to produce electric energy, that weighs less than  
9 5 kilograms and that is designed to be recharged and to provide less than 40 volts  
10 direct current. "Small rechargeable battery" does not include:

11 (1) A battery that is not easily removed or is not intended or designed to be  
12 removed from a covered battery-containing product other than by the  
13 manufacturer;

14 (2) A battery that contains electrolyte as a free liquid; or

15 (3) A battery or battery pack that employs lead-acid technology, unless the  
16 battery or battery pack is sealed, contains no liquid electrolyte and is intended by  
17 its manufacturer to power a handheld device or to provide uninterrupted backup  
18 electrical power protection for stationary consumer covered battery-containing  
19 products or stationary office equipment.

20 R. "Wholesaler" means a person that offers for sale or sells in the State a covered  
21 battery or covered battery-containing product in a sale that is not a retail sale, as  
22 defined in Title 36, section 1752, subsection 11, with the intention that the battery or  
23 product be resold in a subsequent retail sale.

24 **2. Product labeling.** By January 1, 2017, a producer that sells, offers for sale or  
25 distributes for sale in the State a covered battery, either as a replacement battery or  
26 packaged with or contained in a covered battery-containing product, shall, to the extent  
27 feasible, ensure that the covered battery is labeled in a manner identifying the chemistry  
28 employed in storing energy in the battery to facilitate sorting of discarded batteries by  
29 recyclers.

30 **3. Submission of plan.** No later than 6 months after the effective date of this  
31 section, except as specified in subsection 6 or 9, each producer of a covered battery or  
32 covered battery-containing product, individually or through a covered battery stewardship  
33 organization that has agreed to act on the producer's behalf, shall submit a plan for the  
34 establishment of a covered battery stewardship program to the commissioner for  
35 approval. The plan must include, at a minimum and where applicable:

36 A. If the plan is submitted by an organization, a list of the producers participating in  
37 the organization and a list of each producer's brands of covered batteries and covered  
38 battery-containing products;

39 B. A description of the outreach procedures that will be used to provide notice of the  
40 program to businesses, local agencies, retailers, wholesalers and waste transportation  
41 services;

1 C. A description of the methods that will be used to responsibly manage discarded  
2 covered batteries to ensure that the components of the discarded batteries, to the  
3 extent economically and technically feasible, are recycled or otherwise responsibly  
4 managed;

5 D. A description of the manner by which the program will use covered battery  
6 collection points that are established through other battery collection programs;

7 E. A description of educational activities planned by the producer or organization;

8 F. If the plan is submitted by an organization or by a producer that does not operate  
9 physical retail locations in the State, a description of how the program will provide  
10 convenient, free statewide collection opportunities for discarded batteries; and

11 G. If the plan is submitted by an organization, a description of the financing method  
12 through which implementation of the plan will be funded. The financing method  
13 must:

14 (1) Allocate to producers of primary batteries and primary battery-containing  
15 products costs that are directly attributable to the recycling of primary batteries,  
16 such as reclamation costs;

17 (2) Allocate to producers of small rechargeable batteries and rechargeable  
18 battery-containing products costs that are directly attributable to the recycling of  
19 rechargeable batteries, such as reclamation costs; and

20 (3) Allocate all other costs on the basis of the weights of types of batteries  
21 collected or some other nondiscriminatory basis acceptable to participating  
22 producers of primary batteries, small rechargeable batteries, primary battery-  
23 containing products and rechargeable battery-containing products.

24 **4. Approval of plan.** The commissioner shall review a plan submitted under  
25 subsection 3 and make a determination of whether to approve the plan within 90 days of  
26 receipt of the plan. In conducting a review of a submitted plan, the commissioner may  
27 consult with producers, associations representing producers, covered battery stewardship  
28 organizations, retailers and recyclers.

29 A. If the commissioner determines that a submitted plan fails to meet all applicable  
30 requirements of subsection 3, the commissioner shall provide to the producer or  
31 organization that submitted the plan a written notice of determination describing the  
32 reasons for rejecting the plan. No later than 45 days after receiving a written notice  
33 of determination from the commissioner rejecting a submitted plan, the producer or  
34 organization may amend the plan and resubmit the plan to the commissioner for  
35 reconsideration. The commissioner shall review an amended plan, make a  
36 determination of whether to approve the amended plan and provide a written notice  
37 of determination notifying the producer or organization of the commissioner's decision  
38 within 45 days of receipt of the amended plan. A producer or organization whose  
39 amended plan is rejected by the commissioner may appeal the commissioner's  
40 decision in accordance with section 346.

41 B. If the commissioner approves a submitted plan, the commissioner shall provide to  
42 the producer or organization that submitted the plan a written notice of determination  
43 of the plan's approval. No later than 30 days after receiving a written notice of

1 determination from the commissioner approving a submitted plan, the producer or  
2 organization shall make the approved plan available on its publicly accessible  
3 website, but is not required to make available any information contained in the  
4 approved plan protected under the Uniform Trade Secrets Act.

5 C. No later than 45 days after the commissioner's approval of a submitted plan, the  
6 department shall make available on its publicly accessible website a list of  
7 participants in and brands of covered batteries and covered battery-containing  
8 products included under the approved plan or provide instructions on how to obtain  
9 such information as provided by the producer or organization that submitted the  
10 approved plan.

11 **5. Implementation of plan.** A producer or organization that submitted a plan  
12 approved by the commissioner under subsection 4 shall implement the plan no later than  
13 the first day of the next calendar quarter after the date the plan is approved by the  
14 commissioner, except that if the period of time between the date the plan is approved and  
15 the first day of the next calendar quarter is less than 60 days, the producer or organization  
16 shall implement the plan within 60 days after the date the plan is approved.

17 **6. Amendment of plan and termination of program.** This subsection governs  
18 amendment of a plan approved under subsection 4 and termination of a program  
19 established under an approved plan.

20 A. An approved plan under subsection 4 may be amended at the discretion of the  
21 producer or organization that submitted the plan without approval from the  
22 commissioner if the proposed amendments do not significantly alter the likelihood  
23 that the plan will result in the successful collection and recycling of discarded  
24 batteries. If proposed amendments to an approved plan would significantly alter the  
25 likelihood that the plan will result in the successful collection and recycling of  
26 discarded batteries, including, but not limited to, amendments eliminating a  
27 substantial number of retail collection locations, adding or deleting battery  
28 chemistries to be collected, addressing threats to the financial viability of the  
29 organization or addressing disruption in transportation or service affecting the ability  
30 of the producer or organization or any service providers to collect or process covered  
31 batteries or covered battery-containing products, the producer or organization shall  
32 submit to the commissioner a revised plan describing the proposed amendments. The  
33 commissioner shall review the revised plan and make a determination of whether to  
34 approve the proposed amendments within 90 days of receipt of the revised plan. If  
35 the commissioner determines that the revised plan fails to meet all applicable  
36 requirements of subsection 3, the commissioner shall provide to the producer or  
37 organization a written notice of determination describing the reasons for rejecting the  
38 revised plan. No later than 45 days after receiving a written notice of determination  
39 from the commissioner rejecting a revised plan, the producer or organization may  
40 amend and resubmit the revised plan to the commissioner for reconsideration. The  
41 commissioner shall review an amended revised plan, make a determination of  
42 whether to approve the amended revised plan and provide a written notice of  
43 determination notifying the producer or organization of the commissioner's decision  
44 within 45 days of receipt of the amended revised plan. The commissioner may not  
45 reject an amended revised plan submitted for reconsideration without providing the

1 producer or organization with notice and opportunity for a hearing. A producer or  
2 organization whose amended revised plan is rejected by the commissioner may  
3 appeal the commissioner's decision in accordance with section 346.

4 B. A producer or organization that submitted a plan approved under subsection 4  
5 may terminate the program implementing that plan no earlier than 90 days after  
6 providing notice to the commissioner and to program participants of the program's  
7 termination. Prior to the termination of a program, each producer included in the  
8 program shall, individually or through a covered battery stewardship organization  
9 that has agreed to act on the producer's behalf, submit a plan for the establishment of  
10 a covered battery stewardship program to the commissioner for approval consistent  
11 with subsection 3 or join an existing organization.

12 C. A plan approved under subsection 4 remains in effect until a revised plan is  
13 adopted in accordance with paragraph A or the program implementing that plan is  
14 terminated in accordance with paragraph B by the producer or organization that  
15 submitted the plan.

16 **7. Sales prohibition.** This subsection governs the sale of covered batteries and  
17 covered battery-containing products in the State.

18 A. Beginning July 1, 2017, a manufacturer, distributor, wholesaler or retailer may  
19 not sell, offer for sale, distribute for sale or offer for promotional purposes in the  
20 State a covered battery or covered battery-containing product unless the producer of  
21 the battery or product has joined an existing covered battery stewardship organization  
22 or submitted a plan for the establishment of a covered battery stewardship program  
23 that has been approved by the commissioner.

24 B. Notwithstanding paragraph A, a manufacturer, distributor, wholesaler or retailer  
25 may continue to sell, distribute for sale, offer for sale or offer for promotional  
26 purposes in the State a covered battery or covered battery-containing product  
27 manufactured prior to July 1, 2017, but shall:

28 (1) By October 1, 2017, sell or otherwise divest or dispose of its remaining stock  
29 of covered batteries manufactured prior to July 1, 2017 by a producer that has not  
30 joined an existing covered battery stewardship organization or submitted a plan  
31 for the establishment of a covered battery stewardship program that has been  
32 approved by the commissioner; and

33 (2) By October 1, 2018, sell or otherwise divest or dispose of its remaining stock  
34 of covered battery-containing products manufactured prior to July 1, 2017 by a  
35 producer that has not joined an existing covered battery stewardship organization  
36 or submitted a plan for the establishment of a covered battery stewardship  
37 program that has been approved by the commissioner.

38 C. Notwithstanding paragraphs A and B, a manufacturer, distributor, wholesaler or  
39 retailer of medical devices, as described in the Federal Food, Drug and Cosmetic Act,  
40 21 United States Code, Section 360c (2012), may continue to sell its existing  
41 inventory of medical devices containing batteries not included in a plan approved  
42 under subsection 4 until July 1, 2027, except that new medical devices entering a



1 manufacturer's, distributor's, wholesaler's or retailer's inventory on or after July 1,  
2 2017 must be included in an approved plan no later than July 1, 2022.

3 D. Notwithstanding paragraphs A and B, a hospital or other health care provider may  
4 continue to sell or otherwise exhaust its existing inventory of medical devices  
5 containing batteries not included in a plan approved under subsection 4 until July 1,  
6 2027, except that new medical devices entering the hospital's or health care provider's  
7 inventory on or after July 1, 2017 must be included in an approved plan no later than  
8 July 1, 2022.

9 **8. Producer exclusions.** Notwithstanding subsection 1, paragraph M, a person that  
10 manufactures, sells, offers for sale or imports for sale in the State a primary battery-  
11 containing product is not considered a producer under this section if, no later than 45 days  
12 after receiving a request from the commissioner or an operator, the person verifies to the  
13 commissioner or the operator that the product contains only primary batteries supplied by  
14 a producer participating in a covered battery stewardship program in the State. An  
15 operator of a covered battery stewardship program that includes the primary battery  
16 contained in the person's primary battery-containing product shall list the person as a  
17 participant in and the product as covered under the operator's program.

18 **9. New producers.** A producer who seeks to sell, offer for sale or distribute for  
19 promotional purposes in the State a covered battery or covered battery-containing product  
20 not sold or offered for sale in the State prior to July 1, 2017 must notify the commissioner  
21 prior to the sale, offer for sale or distribution of the covered battery or covered battery-  
22 containing product in the State.

23 A. Upon receiving notification under this subsection from a new producer, the  
24 commissioner shall list the producer as a new producer on the department's publicly  
25 accessible website.

26 B. No later than 90 days following a new producer's notification to the  
27 commissioner, the producer shall submit a plan to the commissioner in accordance  
28 with subsection 3 or join an existing organization operating under a plan approved  
29 under subsection 4.

30 C. If a new producer fails to submit a plan or join an existing organization within the  
31 90-day period under paragraph B, the producer may not sell a covered battery or  
32 covered battery-containing product in the State after the expiration of the 90-day  
33 period and a retailer may not sell that producer's battery or product in the State after  
34 120 days following the expiration of the 90-day period.

35 D. Notwithstanding paragraph C, if a new producer submits a plan within the 90-day  
36 period under paragraph B and that plan is ultimately rejected by the commissioner  
37 under subsection 4 after the expiration of the 90-day period, the producer may not sell  
38 the covered battery or covered battery-containing product in the State after 45 days  
39 following the commissioner's final determination rejecting the submitted plan and a  
40 retailer may not sell the producer's battery or product in the State after 120 days  
41 following the commissioner's final determination rejecting the submitted plan.

42 A new producer that fails to submit a plan that is approved by the commissioner under  
43 subsection 4 or to join an existing organization within the time limits described in this

1 subsection may not sell, offer for sale or distribute for promotional purposes a covered  
2 battery or covered battery-containing product not sold or offered for sale in the State prior  
3 to July 1, 2017 until the producer submits a plan for approval consistent with subsection 3  
4 that is subsequently approved by the commissioner or joins an existing organization.

5 **10. Return of noncompliant products.** If a plan approved under subsection 4 is  
6 subsequently determined by the commissioner not to be in compliance with this section, a  
7 producer who sells, offers for sale or distributes for sale in the State a covered battery or  
8 covered battery-containing product included in that plan shall, upon request by a retailer,  
9 designate a location to which the retailer may ship the battery or product for further  
10 handling and shall reimburse the retailer for costs incurred in shipping the battery or  
11 product to the designated location.

12 **11. Safe collection.** A retailer, wholesaler, bulk collector, organization or curbside  
13 program operator that collects covered batteries or covered battery-containing products in  
14 the State, has a physical presence in the State and is operating under or in cooperation  
15 with a covered battery stewardship program shall ensure that all discarded covered  
16 batteries and covered battery-containing products placed in its collection containers are  
17 protected from short-circuiting in accordance with applicable regulations of the federal  
18 Department of Transportation, 49 Code of Federal Regulations, Subtitle B (2015) and  
19 other applicable laws or regulations and take reasonable steps to prevent the placement of  
20 materials other than properly protected discarded covered batteries and covered battery-  
21 containing products into its collection containers.

22 **12. Costs of participation.** A retailer or wholesaler may not require a producer or  
23 covered battery stewardship organization to reimburse the retailer or wholesaler for costs  
24 associated with its participation in a covered battery stewardship program.

25 **13. Reporting.** On or before May 1st of each year, beginning 2 years after the date a  
26 covered battery stewardship plan is approved by the commissioner, the producer or  
27 organization administering the program implementing the approved plan shall submit to  
28 the commissioner a report describing activities carried out by the program pursuant to the  
29 plan during the previous calendar year. The report must include, at a minimum, the  
30 following information:

31 A. The weight of covered batteries collected by the program in the previous calendar  
32 year;

33 B. The location of and contact information for each collection point established  
34 under the program;

35 C. A description of the manner in which collected covered batteries and covered  
36 battery-containing products were sorted, consolidated and processed by the program;

37 D. A description of the educational materials developed and used by the program,  
38 including examples of such materials; and

39 E. If the report is filed by a covered battery stewardship organization, a summary  
40 financial statement documenting the financing of the program consistent with the  
41 requirements of subsection 3, paragraph G. If an organization operates a similar  
42 program in another state, the organization may meet the requirements of this

1 paragraph by submitting a summary financial statement that consolidates information  
2 for all states in which it operates covered battery stewardship programs without  
3 providing financial information specific to its program in this State.

4 **14. Administration and enforcement.** The department shall enforce this section  
5 and may adopt rules consistent with this section as necessary for the purpose of  
6 implementing, administering and enforcing this section. Rules adopted pursuant to this  
7 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

8 A. The commissioner may not initiate an enforcement action under this section  
9 against a manufacturer, distributor, wholesaler or retailer:

10 (1) Concerning the sale of covered batteries or covered battery-containing  
11 products that are not approved products if the sale occurred prior to October 1,  
12 2017;

13 (2) Concerning the sale of covered batteries manufactured prior to the effective  
14 date of this section if the sale occurred prior to October 1, 2017; or

15 (3) Concerning the sale of covered battery-containing products manufactured  
16 prior to the effective date of this section if the sale occurred prior to October 1,  
17 2018.

18 B. The commissioner may not initiate an enforcement action under this section  
19 against a manufacturer, distributor, wholesaler or retailer:

20 (1) For selling or offering for sale a covered battery or covered battery-  
21 containing product if that entity, within 90 days of discovering that the battery or  
22 product is not in compliance with this section, removes the battery or product  
23 from sale; or

24 (2) For purchasing a covered battery or covered battery-containing product after  
25 the effective date of this section that is verified to be an approved product at the  
26 time of purchase but that is no longer an approved product at the time it is sold by  
27 that entity.

28 **15. Limited private right of action by authorized organization.** An authorized  
29 organization may maintain a civil action in Superior Court against a noncompliant  
30 producer to recover damages and additional sums and costs as set forth in this subsection.

31 A. As used in this subsection, unless the context otherwise indicates, the following  
32 terms have the following meanings.

33 (1) "Allocated share" means:

34 (a) In the case of a noncompliant producer, a plaintiff's choice of either the  
35 percentage of batteries by weight identified in data of sufficient reliability  
36 that are employed by a compliant producer to estimate market shares in the  
37 normal course of business or the percentage of discarded batteries by weight  
38 for which a defendant is identifiable as the producer, as identified through a  
39 plaintiff's one-time sort of no less than 500 pounds of discarded covered  
40 batteries randomly collected in the State by the plaintiff; or

1                    (b) In the case of an alternatively complying producer, the percentage of  
2                    discarded batteries by weight identified as the responsibility of the producer  
3                    in data generated from a set of qualifying discarded battery sorts.

4                    (2) "Alternatively complying producer" means a producer participating in a  
5                    program not operated by an authorized organization during the time an  
6                    authorized organization incurred damages recoverable under this subsection.

7                    (3) "Authorized organization" means a covered battery stewardship organization  
8                    established under the law of any state or territory of the United States that  
9                    authorizes establishment of nonprofit entities or recognized by the United States  
10                  Internal Revenue Service as exempt from taxation under Section 501 of the  
11                  United States Internal Revenue Code, as amended, that, pursuant to a plan  
12                  approved under subsection 4, spent more than \$250,000 collecting and recycling  
13                  covered batteries discarded in the State in the previous calendar year.

14                  (4) "Data generated from a set of qualifying discarded battery sorts" means the  
15                  total data collected by a plaintiff from sorting 500 pounds of covered batteries  
16                  collected at each of 3 or more collection sites in the State reasonably believed by  
17                  the plaintiff to be representative of the population of the State. These sorts may  
18                  be undertaken at any time after a plan is approved by the commissioner under  
19                  subsection 4, but must all be collected within a 5-year period. Data generated  
20                  from these sorts must include the brands of collected batteries, the weight of each  
21                  brand collected and the percentage shares of the total collected weight  
22                  attributable to each identifiable brand and to all batteries not identifiable by  
23                  brand.

24                  (5) "Estimated total weight of batteries sold in the State" means an estimate of  
25                  the total weight of batteries sold in the State as individual units or as components  
26                  or packaged with covered battery-containing products, using methods of  
27                  sufficient reliability that are employed by a producer to estimate market shares in  
28                  the normal course of business.

29                  (6) "Noncompliant producer" means a producer not participating in any plan  
30                  approved by the commissioner in accordance with subsection 4 during the time  
31                  an authorized organization incurred damages recoverable under this subsection.

32                  (7) "Program sort goal" means the sum of discarded covered batteries by weight  
33                  identified as the responsibility of all producers participating in an authorized  
34                  organization in data generated from a set of qualifying discarded battery sorts,  
35                  multiplied by 10% during the first 3 years this section is in effect, by 15% in the  
36                  next 3 years and by 20% in the 6th and subsequent years this section is in effect.

37                  (8) "Unaccounted-for amount" means the costs incurred by a plaintiff multiplied  
38                  by the percentage of batteries by weight collected through the plaintiff's one-time  
39                  sort of no less than 500 pounds of randomly collected discarded covered batteries  
40                  for which a producer cannot be identified.

41                  B. Except as provided in paragraph C, damages recoverable under this subsection are  
42                  an amount equal to the total sum of a defendant's allocated share multiplied by a  
43                  plaintiff's total costs of collecting and recycling discarded covered batteries in the  
44                  State during the time period of noncompliance alleged plus a defendant's allocated

1 share of the unaccounted-for amount for the same time period. Except as provided in  
2 paragraph C, if a plaintiff prevails in an action brought pursuant to this subsection,  
3 the plaintiff is entitled to an award of reasonable attorney's fees and court costs,  
4 including expert witness fees, as well as a punitive sum of 3 times the damages  
5 award.

6 C. An authorized organization that collected in the previous calendar year a weight  
7 of discarded covered batteries in excess of its program sort goal may maintain a civil  
8 action in Superior Court against an alternatively complying producer to recover  
9 damages and additional sums and costs as set in this paragraph. Damages  
10 recoverable under this paragraph are an amount equal to the total sum of a  
11 defendant's allocated share of the excess multiplied by a plaintiff's total costs of  
12 collecting and recycling covered batteries discarded in the State during the time  
13 period alleged. A court may, in the interests of justice, award to a plaintiff who  
14 prevails in an action brought pursuant to this paragraph reasonable attorney's fees and  
15 court costs, including expert witness fees.

16 D. An action may not be commenced under this subsection until 60 days after a  
17 plaintiff provides to all potential defendants a written notice of the claim setting forth  
18 the amount of the claim and the basis for the calculation of that amount.

19 E. An authorized organization may initiate a single civil action in Superior Court  
20 against one or more producers.

21 **16. Preemption.** The State intends to occupy and preempt the entire field of  
22 legislation concerning the regulation of the stewardship of covered batteries and covered  
23 battery-containing products. Any existing or future order, ordinance, rule or regulation in  
24 this field of any political subdivision of the State is void.

25 **17. Antitrust exclusions.** A producer, a group of producers and a covered battery  
26 stewardship organization, and an agent, officer, director and employee of such entities,  
27 preparing, submitting a plan for, implementing or administering a covered battery  
28 stewardship program in accordance with this section, and a wholesaler and retailer that  
29 engages in conduct authorized by this section, are granted immunity, individually and  
30 jointly, from all applicable antitrust laws of the State for the limited purpose of  
31 establishing, implementing and administering a covered battery stewardship program and  
32 otherwise complying with the requirements of this section, and any activity undertaken  
33 by these entities in accordance with and authorized under this section is not an unlawful  
34 restraint of trade, a conspiracy or other violation of any provision of any applicable  
35 antitrust law of the State.

36 An action taken by a producer, a group of producers or an organization to increase the  
37 recycling of covered batteries in accordance with this section that affects the types or  
38 quantities of batteries recycled or the cost and structure of any covered battery  
39 stewardship program is not a violation of any provision of Title 10, chapter 201, except  
40 when such action constitutes an agreement establishing or affecting the price of covered  
41 batteries or the output or production of covered batteries or restricting the geographic area  
42 in which covered batteries will be sold or the customers to whom covered batteries will  
43 be sold.

1           **18. Repeal.** This section is repealed 9 years after the date on which a covered  
2 battery stewardship plan is first approved by the commissioner under subsection 4, except  
3 that an authorized organization, as defined in subsection 15, paragraph A, subparagraph  
4 (3), may, in accordance with subsection 15, recover after the repeal of this section costs  
5 incurred prior to the repeal of this section in collecting and recycling covered batteries  
6 discarded in the State. The commissioner shall notify the Revisor of Statutes when a  
7 covered battery stewardship plan is first approved by the commissioner under subsection  
8 4.

9           **Sec. 2. 38 MRSA §2132, sub-§1,** as amended by PL 2011, c. 655, Pt. GG, §32  
10 and affected by §70, is further amended to read:

11           **1. State recycling goal.** It is the goal of the State to recycle or compost, by January  
12 1, ~~2014~~ 2021, 50% of the municipal solid waste tonnage generated each year within the  
13 State.

14           **Sec. 3. 38 MRSA §2145** is enacted to read:

15           **§2145. Commercial food waste composting requirement**

16           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
17 following terms have the following meanings.

18           A. "Composting facility" means a solid waste processing facility, as defined in  
19 section 1303-C, subsection 32-A, where organic materials are processed using a  
20 method of accelerated biological decomposition of organic material under controlled  
21 aerobic or anaerobic conditions.

22           B. "Food waste" means food material produced from human or animal food  
23 production, preparation and consumption activities that consists of, but is not limited  
24 to, fruits, vegetables and other vegetative material, grains and fish and animal  
25 products and by-products. "Food waste" does not include biomedical waste,  
26 hazardous waste or septage, as defined in section 1303-C, subsections 1-A, 15 and  
27 27, respectively.

28           C. "Large quantity commercial food waste generator" means a commercial entity  
29 that generates one ton or more of food waste per week, including, but not limited to, a  
30 food wholesaler or distributor, a food manufacturer or processor, a restaurant, a  
31 hospital, a university or other educational institution, a grocery store, a resort or a  
32 conference center.

33           **2. Composting requirement.** Except as provided in this section, beginning January  
34 1, 2020, a large quantity commercial food waste generator that is located within 20 miles  
35 of a composting facility with available capacity to accept the food waste produced by the  
36 generator shall deliver all food waste produced by the generator to a composting facility  
37 for processing.

38           A. For the purposes of this section, a composting facility located outside of the State  
39 must be considered in determining whether a large quantity commercial food waste  
40 generator is located within 20 miles of a composting facility with available capacity.

1 B. A large quantity commercial food waste generator subject to this section may  
2 elect to deliver the food waste produced by the generator to a composting facility  
3 with available capacity located more than 20 miles from the generator.

4 C. A large quantity commercial food waste generator is deemed in compliance with  
5 this section if it performs composting of its generated food waste on site or otherwise  
6 treats its generated food waste using an on-site organic treatment method approved  
7 by the department.

8 **3. Waiver.** The department may provide a waiver from the requirements of this  
9 section for a large quantity commercial food waste generator that demonstrates to the  
10 department's satisfaction that compliance with the requirements of this section would  
11 result in substantial financial hardship for the generator.

12 A. The department may award a grant or low-interest loan under section 2201-B to a  
13 large quantity commercial food waste generator to assist the generator in meeting the  
14 requirements of this section through implementation of a food waste composting  
15 program. The department may not approve a waiver under this subsection unless the  
16 generator seeking the waiver has applied for a grant or low-interest loan under section  
17 2201-B.

18 B. The department shall adopt rules consistent with subsection 4 setting forth the  
19 criteria for approval of a waiver under this subsection.

20 **4. Rules.** The department shall adopt rules to implement the provisions of this  
21 section. Rules adopted pursuant to this subsection are routine technical rules as defined  
22 in Title 5, chapter 375, subchapter 2-A.

23 **Sec. 4. 38 MRSA §2201, 3rd ¶**, as amended by PL 2011, c. 655, Pt. GG, §64 and  
24 affected by §70, is further amended to read:

25 Funds related to administration may be expended only in accordance with allocations  
26 approved by the Legislature for administrative expenses directly related to the bureau's  
27 and the department's programs, including actions by the department necessary to abate  
28 threats to public health, safety and welfare posed by the disposal of solid waste. Funds  
29 related to fees imposed on the disposal of construction and demolition debris and residue  
30 from the processing of construction and demolition debris may be expended only for the  
31 state cost share to municipalities under the closure and remediation cost-sharing program  
32 for solid waste landfills established in section 1310-F. Funds related to fees imposed  
33 under section 2204 may be expended only in accordance with the Maine Composting and  
34 Recycling Grant and Low-interest Loan Program established in section 2201-B. Funds  
35 related to operations may be expended only in accordance with allocations approved by  
36 the Legislature and solely for the development and operation of publicly owned facilities  
37 owned or approved by the bureau and for the repayment of any obligations of the bureau  
38 incurred under article 3. These allocations must be based on estimates of the actual costs  
39 necessary for the bureau and the department to administer their programs, to provide  
40 financial assistance to regional associations and to provide other financial assistance  
41 necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending  
42 on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an  
43 amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in

1 the administration of Title 36, chapter 719. Allowable expenditures include "Personal  
2 Services," "All Other" and "Capital Expenditures" associated with all bureau activities  
3 other than those included in the operations account.

4 **Sec. 5. 38 MRSA §2201-B** is enacted to read:

5 **§2201-B. Maine Composting and Recycling Grant and Low-interest Loan Program**

6 **1. Establishment.** The Maine Composting and Recycling Grant and Low-interest  
7 Loan Program, referred to in this section as "the program," is established to provide  
8 grants and low-interest loans to public and private entities to assist in the development,  
9 implementation or improvement of programs, projects, initiatives and activities designed  
10 to increase composting and recycling rates within the State.

11 **2. Administration.** The department shall administer the program and dispense  
12 revenue from the Maine Solid Waste Management Fund established under section 2201  
13 for the purposes of the program based on approved grant and loan requests from public  
14 and private applicants. The department may provide grants and loans for the documented  
15 costs of application proposals in accordance with the priorities in subsection 5. Costs  
16 incurred by the department in the development and administration of the program may be  
17 paid from the revenue dedicated to the program under section 2201, except that the  
18 department may expend for administrative purposes under this subsection no more than  
19 25% of annual revenue dispensed to the program under section 2201 in any calendar year.

20 **3. Audit.** Revenue from the Maine Solid Waste Management Fund established  
21 under section 2201 disbursed by the program is subject to audit, and the recipient of any  
22 such funding must agree to be subject to audit and to cooperate with the auditor as a  
23 condition of receiving funding.

24 **4. Eligibility criteria.** The department may disburse grants and loans under the  
25 program to any public or private entity demonstrating that a proposed program, project,  
26 initiative or activity is, in the department's determination, likely to increase composting or  
27 recycling rates within a particular community, municipality or region or the State,  
28 including, but not limited to, municipal or regional composting or recycling programs,  
29 including the establishment of such programs or the purchase of infrastructure, equipment  
30 or other items necessary to implement such programs or improve existing programs;  
31 programs designed to provide equipment for or otherwise support residential composting;  
32 programs or business models designed to collect, transport for processing or process  
33 compostable or recyclable materials, including the implementation of composting  
34 programs designed to meet the requirements of section 2145; pilot programs designed to  
35 evaluate the feasibility of targeted composting, recycling or other waste management  
36 programs or initiatives; and initiatives or programs designed to educate certain categories  
37 of individuals or the general public about composting or recycling or to otherwise  
38 improve individual or community waste management practices.

39 **5. Priorities.** The department shall give highest priority in the awarding of funds  
40 under this section to programs, projects, initiatives or activities proposed by municipal  
41 applicants that otherwise meet the department's eligibility criteria. The department shall  
42 also give priority to applicants proposing programs, projects, initiatives or activities that



1 are likely to increase the removal and recycling of organic materials from municipal  
2 waste streams. The awarding of funds under this section must be consistent with the solid  
3 waste management hierarchy established under section 2101.

4 **6. Funding requests.** The department shall solicit applications by grant-eligible and  
5 loan-eligible stakeholders, including, but not limited to, municipalities, licensed  
6 redemption centers and nonprofit and for-profit composters and recyclers. The  
7 department shall prioritize approval of funding requests under this section to support  
8 areas where funding will provide the most benefit to the State in terms of increasing  
9 composting and recycling rates within the State.

10 **7. Grants and loans for recycling of construction and demolition debris.** The  
11 department may award funds under this section to commercial programs, projects,  
12 initiatives or activities that propose to recycle construction and demolition debris  
13 generated in the State consistent with the department's eligibility criteria under this  
14 section. For the purposes of this subsection, the use of construction and demolition debris  
15 as fuel in industrial boilers or waste-to-energy facilities for the generation of heat, steam  
16 or electricity constitutes recycling.

17 **8. Repeal.** This section is repealed December 31, 2026.

18 **9. Rules.** The department may adopt rules to implement this section. Rules adopted  
19 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,  
20 subchapter 2-A.

21 **Sec. 6. 38 MRSA §2202, sub-§3,** as enacted by PL 1993, c. 310, Pt. C, §2, is  
22 amended to read:

23 **3. Payment.** A person who delivers solid waste to a solid waste disposal facility,  
24 solid waste processing facility, incineration facility or solid waste landfill shall pay all  
25 fees established under this article to the operator of the ~~solid waste disposal facility~~ or  
26 landfill.

27 **Sec. 7. 38 MRSA §2203-A, sub-§1,** as amended by PL 2011, c. 544, §3, is  
28 further amended to read:

29 **1. Fees.** Fees are imposed in the following amounts to be levied for solid waste that  
30 is disposed of at commercial, municipal, state-owned and regional association landfills.

31		
32	Asbestos	\$5 per cubic yard
33		
34	Oil-contaminated soil, gravel, brick,	\$25 per ton
35	concrete and other aggregate	
36		
37	Waste water facility sludge	\$5 per ton
38		
39	Ash, coal and oil	\$5 per ton

1		
2	Paper mill sludge	\$5 per ton
3		
4	Industrial waste	\$5 per ton
5		
6	Sandblast grit	\$5 per ton
7		
8	All other special waste	\$5 per ton
9		
10	<del>Municipal solid waste ash</del>	<del>\$1 per ton</del>
11		
12	Front end process residue (FEPR)	\$1 per ton
13		
14	Beginning January 1, 2013 and ending	\$1 per ton
15	December 31, 2013, construction and	
16	demolition debris and residue from the	
17	processing of construction and demolition	
18	debris	
19		
20	Beginning January 1, 2014, construction	\$2 per ton
21	and demolition debris and residue from the	
22	processing of construction and demolition	
23	debris	

24           **Sec. 8. 38 MRSA §2204, first ¶**, as amended by PL 1999, c. 385, §8, is further  
25 amended to read:

26           The department shall impose a fee of ~~\$2~~ \$1 per ton on any municipal solid waste  
27 disposed of ~~at a commercial, municipal or regional association landfill, except that there~~  
28 ~~is no fee on municipal solid waste generated by a municipality that owns the landfill~~  
29 ~~accepting it or that has entered into a contract with a term longer than 9 months for~~  
30 ~~disposal of municipal solid waste in that landfill facility or received for processing,~~  
31 composting or other treatment at a commercial, municipal, regional association or state-  
32 owned solid waste disposal facility, solid waste processing facility, incineration facility or  
33 solid waste landfill.

34           **Sec. 9. 38 MRSA §2205, first ¶**, as amended by PL 1995, c. 465, Pt. A, §77 and  
35 affected by Pt. C, §2, is further amended to read:

36           Each operator of a solid waste disposal facility, solid waste processing facility,  
37 incineration facility or solid waste landfill that has collected a fee under this article shall  
38 make the fee payment quarterly. The fee must be paid to the department on or before the  
39 20th day of April, July, October and January for the 3 months ending the last day of  
40 March, June, September and December.

41           **Sec. 10. 38 MRSA §2205, sub-§§1 and 8**, as amended by PL 1995, c. 465, Pt.  
42 A, §77 and affected by Pt. C, §2, are further amended to read:

1           **1. Quarterly reports.** Each fee payment must be accompanied by a form prepared  
2 and furnished by the department and completed by the operator. The form must state the  
3 total weight or volume of solid waste disposed of or received at the facility or landfill  
4 during the payment period and provide any other aggregate information determined  
5 necessary by the department to carry out the purposes of this chapter. The form must be  
6 signed by the operator.

7           **8. Assessment notice.** If the department determines that any operator has not made  
8 a timely payment of the fee, the department shall send the operator a written notice of the  
9 amount of the deficiency, within 30 days of determining the deficiency. When the  
10 operator has not provided a complete and accurate statement of the weight or volume of  
11 waste received at the facility or landfill for the payment period, the department may  
12 estimate the weight or volume in the notice.

13           The operator charged with the deficiency has 30 days to pay the deficiency in full or, if  
14 the operator wishes to contest the deficiency, forward the amount of the deficiency to the  
15 department for placement in an escrow account with the Treasurer of State or any bank in  
16 the State, or post an appeal bond in the amount of the deficiency. The bond must be  
17 executed by a surety licensed to do business in the State and be satisfactory to the  
18 department. Failure to forward the money or appeal bond to the department within 30  
19 days results in a waiver of all legal rights to contest the deficiency.

20           If, through the administrative or judicial review of the deficiency, it is determined that the  
21 amount of deficiency must be reduced, the department shall within 30 days remit the  
22 appropriate amount to the operator, with any interest accumulated by the escrow deposit.

23           The amount determined after administrative hearing or after waiver of administrative  
24 hearing is payable to the department and is collectible.

25           If any amount due under this subsection remains unpaid 30 days after receipt of notice of  
26 the deficiency, the department may order the operator of the facility or landfill to cease  
27 receiving any solid waste until the amount of the deficiency is completely paid.

28           **Sec. 11. Department of Environmental Protection; returnable beverage**  
29 **container rules.** Pursuant to the authority granted in Public Law 2015, chapter 166,  
30 section 15, the Department of Environmental Protection shall, as soon as practicable,  
31 amend its existing rules or adopt new rules regarding the responsibilities of  
32 manufacturers, distributors, dealers, initiators of deposit, contracted agents and  
33 redemption centers under the returnable beverage container law, the Maine Revised  
34 Statutes, Title 38, chapter 33, to require a deposit and refund value on beverage  
35 containers containing Maine-produced apple cider and Maine-produced blueberry juice.

36           **Sec. 12. Department of Environmental Protection; beneficial use rules.**  
37 As soon as practicable, the Department of Environmental Protection shall amend fuel  
38 quality standards for construction and demolition debris wood fuel under its existing Rule  
39 Chapter 418: Beneficial Use of Solid Wastes to increase the allowance for chromated  
40 copper arsenate treated wood from less than 1.5% to less than 2.0% and to increase the  
41 allowance for #4 minus fines for sources other than publicly owned sources from 10% to  
42 15%.

1           **Sec. 13. Department of Environmental Protection; food waste**  
2 **composting pilot program.** The Department of Environmental Protection shall  
3 develop, implement and administer a food waste composting pilot program as described  
4 in this section.

5           1. The department shall invite municipalities to participate in the pilot program and  
6 shall select as participants at least one municipality from each of the 3 following groups  
7 of counties:

8           A. Androscoggin, Cumberland, Lincoln, Sagadahoc and York;

9           B. Franklin, Kennebec, Knox, Oxford and Waldo; and

10          C. Aroostook, Hancock, Penobscot, Piscataquis, Somerset and Washington.

11          2. The department shall invite educational institutions to participate in the pilot  
12 program and shall select as participants at least one educational institution from each of  
13 the 3 following categories:

14          A. A public or private educational institution providing kindergarten to grade 12  
15 education with an enrollment of 500 students or less, as measured during the 2014-  
16 2015 school year;

17          B. A public or private educational institution providing kindergarten to grade 12  
18 education with an enrollment of more than 500 students, as measured during the  
19 2014-2015 school year; and

20          C. A public or private educational institution providing undergraduate and graduate  
21 education.

22          3. The department shall invite and shall select as additional participants in the pilot  
23 program at least one entity from each of the 3 following categories:

24          A. A correctional facility;

25          B. A hospital; and

26          C. A commercial restaurant that generates, on average, 1/2 ton or more of food waste  
27 per week.

28          4. The department shall invite the Legislative Council to participate in the pilot  
29 program with respect to the State House facilities. The department shall invite the  
30 Department of Administrative and Financial Services, Bureau of General Services to  
31 participate in the pilot program with respect to the Burton M. Cross State Office Building  
32 facilities.

33          5. The department shall provide technical assistance, and may provide financial  
34 assistance consistent with the Maine Composting and Recycling Grant and Low-interest  
35 Loan Program established under the Maine Revised Statutes, Title 38, section 2201-B, to  
36 each participating entity to develop and implement a food waste composting program. A  
37 food waste composting program implemented under this section may involve the  
38 establishment of a traditional aerobic composting system or an anaerobic digestion  
39 system or implementation of another food waste processing technology approved by the

1 department. A participating entity shall collect data on the amount of food waste diverted  
2 from the waste stream by the program, the related cost savings realized by the  
3 participating entity and any problems encountered in implementing the program. A  
4 participating entity shall compile this information into a report and transmit the report to  
5 the department on or before a date determined by the department.

6 6. The department shall analyze the reports submitted by the participating entities  
7 and, by January 15, 2018, shall submit a report to the joint standing committee of the  
8 Legislature having jurisdiction over environmental and natural resources matters detailing  
9 the data collected by each participating entity and any additional findings and including  
10 any recommendations for legislation to implement permanent food waste composting  
11 programs or requirements at the state, regional, municipal or local level or to otherwise  
12 increase recycling rates for organic materials in the State. After receiving the report, the  
13 joint standing committee may report out a bill relating to the report to the Second Regular  
14 Session of the 128th Legislature.

## 15 SUMMARY

16 This bill amends the State's solid waste management laws as follows.

17 1. It establishes a product stewardship program for small batteries.

18 2. It updates the State's recycling goal. Current statute sets a goal of recycling or  
19 composting 50% of the municipal solid waste tonnage generated each year within the  
20 State by January 1, 2014. This bill extends that goal deadline to January 1, 2021.

21 3. It implements a commercial food waste composting requirement under which a  
22 large quantity commercial food waste generator that is located within 20 miles of a  
23 composting facility with available capacity to accept the food waste produced by the  
24 generator is required to deliver all food waste produced to a composting facility for  
25 processing. A large quantity commercial food waste generator is a commercial entity that  
26 generates one ton or more of food waste per week. This bill authorizes the Department of  
27 Environmental Protection to provide a large quantity commercial food waste generator a  
28 waiver from the composting requirement if compliance would result in substantial  
29 financial hardship for the generator.

30 4. It eliminates the current statutory waste handling fee of \$1 per ton on the disposal  
31 at a commercial, municipal, state-owned or regional association landfill of municipal  
32 solid waste ash and front end process residue.

33 5. It expands the assessment of a statutory municipal solid waste surcharge. Current  
34 statute requires the assessment of a \$2 per ton surcharge on the disposal of municipal  
35 solid waste at a commercial, municipal or regional association landfill. This bill reduces  
36 that surcharge to \$1 per ton but assesses the surcharge on municipal solid waste disposed  
37 of or received for processing, composting or other treatment at a commercial, municipal,  
38 regional association or state-owned solid waste disposal facility, solid waste processing  
39 facility, incineration facility or solid waste landfill.

1           6. It directs revenues collected through the assessment of the municipal solid waste  
2 surcharge to the Maine Composting and Recycling Grant and Low-interest Loan  
3 Program, which is established by this bill. This program provides grants and low-interest  
4 loans to public and private entities to assist in the development, implementation or  
5 improvement of programs, projects, initiatives and activities designed to increase  
6 composting and recycling rates within the State. Under the program, priority in the  
7 awarding of grants or loans is given to municipal applicants and to applicants seeking to  
8 establish programs, projects, initiatives or activities likely to increase composting rates.

9           7. It directs the Department of Environmental Protection to amend existing rules or  
10 adopt new rules regarding the returnable beverage container law to require a deposit and  
11 refund value on beverage containers containing Maine-produced apple cider and Maine-  
12 produced blueberry juice. Under the existing statutory and regulatory framework, both of  
13 these products are exempt from the returnable beverage container law.

14           8. It directs the Department of Environmental Protection to amend existing rules  
15 regarding the beneficial use of solid wastes to amend fuel quality standards for  
16 construction and demolition debris wood fuel to increase allowances for chromated  
17 copper arsenate treated wood and for #4 minus fines.

18           9. It directs the Department of Environmental Protection to develop, implement and  
19 administer a food waste composting pilot program. The department is required to collect  
20 data from participating entities and by January 15, 2018 submit a report to the joint  
21 standing committee of the Legislature having jurisdiction over environmental and natural  
22 resources matters detailing the data collected by each participating entity and any  
23 additional findings and including any recommendations for legislation to implement  
24 permanent food waste composting programs or requirements at the state, regional,  
25 municipal or local level or to otherwise increase recycling rates for organic materials in  
26 the State. After receiving the report, the committee may report out a bill relating to the  
27 report to the Second Regular Session of the 128th Legislature.