

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §1672 in subsection 1 by striking out all of paragraph A (page 1, lines 6 to 8 in L.D.) and inserting the following:

‘A. "Manufacturer" means a person who manufactures a mercury-added lamp and has a presence in the United States or a person who imports a mercury-added lamp manufactured by a person who does not have a presence in the United States.’

Amend the bill in section 1 in §1672 in subsection 1 by striking out all of paragraphs C and D (page 1, lines 13 to 18 in L.D.) and inserting the following:

‘C. "Municipal collection site" means a solid waste disposal facility, transfer station, storage facility or recycling facility at which mercury-added lamps from households are collected for recycling that is municipally owned or operated or operated by a regional association.

D. "Person" means any individual, corporation, partnership, cooperative, association, firm, sole proprietorship, government agency or other entity.’

Amend the bill in section 1 in §1672 by striking out all of subsections 2 and 3 (page 1, lines 19 to 39 and page 2, lines 1 to 14 in L.D.) and inserting the following:

‘2. Mercury content standards. The following provisions govern mercury content standards.

A. The department shall adopt rules establishing mercury content standards for lamps sold or manufactured in the State on or after January 1, 2012. The standards must be based on mercury content standards for lamps established in California. If one or more categories of lamps are not covered by the mercury content standards established in California, the department may adopt standards minimizing the mercury content of lamps within those categories, including adoption of a no-mercury standard if a nonmercury alternative is available at a cost comparable to a mercury alternative. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. The rules adopted under paragraph A must provide that:

(1) A manufacturer of mercury-added lamps sold or being offered for sale in the State shall prepare and, at the request of the department, submit within 28 days of the date of the request technical documentation or other information showing that the manufacturer's mercury-added lamps sold or offered for sale in the State comply with the rules. If the manufacturer of a mercury-added lamp being sold or offered for sale does not provide the documentation requested, that manufacturer may not be allowed to sell or offer for sale mercury-added lamps in the State; and

(2) A manufacturer of mercury-added lamps sold or being offered for sale in the State shall provide upon request a certification to a person who sells or offers for sale a mercury-added lamp of that manufacturer. The certification must attest that the mercury-added lamp does not contain levels of mercury that would result in the prohibition of that lamp being sold or offered for sale in the State. If the manufacturer of a mercury-added lamp being sold or offered for sale does not provide the certification requested, that manufacturer may not be allowed to sell or offer mercury-added lamps for sale in the State.

3. Mercury-added lamp purchasing. When making purchasing decisions on mercury-added lamps and ballasts, the Department of Administrative and Financial Services, in consultation with the department and the Public Utilities Commission, shall request information on mercury content, energy use, lumen output and lamp life from potential suppliers and shall issue specifications and make purchasing decisions that favor models at comparable cost with high energy efficiency, lower mercury content and longer lamp life. Information obtained on mercury content, energy use and lamp life must be made available by the Department of Administrative and Financial Services to other purchasers who purchase a large number of mercury-added lamps. This information must also be posted on the State's publicly accessible website.'

Amend the bill in section 1 in §1672 in subsection 4 by striking out all of the first 5 lines (page 2, lines 15 to 19 in L.D.) and inserting the following:

4. Manufacturer recycling programs for household mercury-added lamps. Effective January 1, 2011, each manufacturer of mercury-added lamps sold or distributed for household use in the State on or after January 1, 2001 shall individually or collectively implement a department-approved program for the recycling of mercury-added lamps from households.'

Amend the bill in section 1 in §1672 in subsection 4 in paragraph A in subparagraph (1) in the last line (page 2, line 22 in L.D.) by inserting after the following: "cost" the following: 'including but not limited to municipal collection sites and participating retail establishments'

Amend the bill in section 1 in §1672 in subsection 4 by striking out all of paragraph E (page 3, lines 9 to 19 in L.D.) and inserting the following:

'E. Beginning April 15, 2013, and biennially thereafter, the department shall calculate the percentage of mercury-added lamps recycled from households and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any modifications to the manufacturer recycling programs it intends to make to improve mercury-added lamp recycling rates and any recommendations for statutory changes needed to facilitate mercury-added lamp collection and recycling.'

Amend the bill in section 1 in §1672 in subsection 4 in paragraph F in the 4th line (page 3, line 23 in L.D.) by inserting after the following: "lamps to" the following: 'municipalities and'

Amend the bill in section 1 in §1672 by inserting after subsection 4 the following:

‘5. Applicability. The requirements of this section do not apply to motor vehicles as defined in Title 29-A, section 101, subsection 42 or watercraft as defined in Title 12, section 13001, subsection 28 or their component parts.’

Amend the bill by inserting at the end before the summary the following:

‘Sec. 4. Report on recycling of mercury-added lamps from households. The Department of Environmental Protection shall submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from households pursuant to the Maine Revised Statutes, Title 38, section 1672. The report must include, but is not limited to:

1. An assessment of the costs of the manufacturer recycling programs for mercury-added lamps to manufacturers, consumers, municipalities and others;
2. After consultation with manufacturers of mercury-added lamps, recommendations for streamlining the recycling of mercury-added lamps from households; and
3. A review and assessment of education and outreach alternatives.

The Joint Standing Committee on Natural Resources may submit legislation to the Second Regular Session of the 124th Legislature to implement recommendations included in the report.’

SUMMARY

This amendment amends the provisions in the bill relating to adoption of mercury standards by the Department of Environmental Protection by requiring the department to establish standards based on California standards instead of standards established for lamps sold in the European Union. It amends the requirement relating to mercury-added lamp purchasing by the Department of Administrative and Financial Services. It amends the definition of "manufacturer" and adds a definition of "municipal collection site." It amends the provisions relating to mercury-added lamp manufacturer recycling programs by:

1. Requiring that each manufacturer of mercury-added lamps sold or distributed for household use in the State on or after January 1, 2001 implement a recycling program;
2. Requiring manufacturer recycling programs to include municipal collection sites; and
3. Removing the establishment of a 75% recycling goal.

It clarifies that motor vehicles and watercraft are not subject to the requirements of the law. It requires the Department of Environmental Protection to submit a report by January 1, 2010 to the Joint Standing Committee on Natural Resources on the recycling of mercury-added lamps from households, and it authorizes the committee to submit legislation to implement the recommendations in the report.