

Date:

(Filing No. H- )

## ENVIRONMENT AND NATURAL RESOURCES

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1004, L.D. 1519, “An Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products”

Amend the bill by inserting before section 1 the following:

**'Sec. 1. 38 MRSA §1306, sub-§8** is enacted to read:

**8. Electronic smoking devices.** Beginning on the date that an approved electronic smoking device stewardship plan is first implemented by a producer or electronic smoking device stewardship organization pursuant to section 1617, subsection 8, a person may not dispose of an electronic smoking device except in accordance with an electronic smoking device stewardship program implemented under section 1617 or by delivery to a licensed hazardous waste transporter.

This subsection may not be construed to affect existing laws, rules or regulations governing the disposal of electronic smoking devices prior to the date that an approved electronic smoking device stewardship plan is first implemented by a producer or electronic smoking device stewardship organization pursuant to section 1617, subsection 8.

As used in this subsection, "electronic smoking device," "electronic smoking device stewardship organization," "electronic smoking device stewardship plan," "electronic smoking device stewardship program" and "producer" have the same meanings as in section 1617, subsection 1.'

Amend the bill in section 1 in §1617 in subsection 1 by inserting after paragraph A the following:

'B. "Collection location" means a location that is approved by a stewardship organization to participate in the collection of unwanted electronic smoking devices.'

Amend the bill in section 1 in §1617 in subsection 1 by inserting after paragraph E the following:

'F. "Municipality" means a city, town, township, village, plantation or county; a refuse disposal district under chapter 17; or a regional association.'

1 Amend the bill in section 1 in §1617 in subsection 1 by inserting after paragraph H the  
2 following:

3 'I. "Retailer" means any of the following persons that sell or offer for sale electronic  
4 smoking devices:

5 (1) A tobacco retailer, as defined in Title 22, section 1551, subsection 3-A;

6 (2) A caregiver retail store, as defined in Title 22, section 2421-A, subsection 12;

7 (3) A registered dispensary, as defined in Title 22, section 2421-A, subsection 41;  
8 and

9 (4) A cannabis store, as defined in Title 28-B, section 102-A, subsection 16.'

10 Amend the bill in section 1 in §1617 in subsection 1 by relettering the paragraphs to  
11 read alphabetically.

12 Amend the bill in section 1 in §1617 in subsection 2 in paragraph A in the 5th line  
13 (page 2, line 10 in L.D.) by inserting after the following: "must" the following: ', at a  
14 minimum.'

15 Amend the bill in section 1 in §1617 in subsection 2 in paragraph A in the last line  
16 (page 2, line 14 in L.D.) by inserting after the following: "collection." the following: 'The  
17 program must also be designed to:'

18 Amend the bill in section 1 in §1617 in subsection 2 by inserting after paragraph A the  
19 following:

20 '(1) Within 90 days of receiving a request from a municipality or a federally  
21 recognized Indian tribe, nation or band in the State to participate in the program as  
22 a collection location, allow for such participation and provide to the municipality  
23 or Indian tribe, nation or band all appropriate collection receptacles for unwanted  
24 electronic smoking devices and all staff training necessary to manage the collection  
25 location. A collection location under this subparagraph may be located at a transfer  
26 station, fire station or police station;

27 (2) Within 90 days of receiving a request from a public or private school to  
28 participate in the program as a collection location, allow for such participation and  
29 provide to the school all appropriate collection receptacles for unwanted electronic  
30 smoking devices and all staff training necessary to manage the collection location.  
31 A collection location under this subparagraph must be designed to collect  
32 unwanted electronic smoking devices from school faculty and devices confiscated  
33 from students;

34 (3) Within 90 days of receiving a request from a retailer to participate in the  
35 program as a collection location, allow for such participation and provide to the  
36 retailer all appropriate collection receptacles for unwanted electronic smoking  
37 devices and all staff training necessary to manage the collection location;

38 (4) Within 3 years following the date on which the stewardship plan is approved  
39 by the department pursuant to subsection 7, ensure that all retailers in the State are  
40 participating in the program as collection locations; and

41 (5) Ensure that each collection receptacle provided by the stewardship  
42 organization to a collection location is emptied and serviced as often as necessary

1 to avoid the receptacle's reaching storage capacity and to ensure proper operation  
2 of the receptacle.'

3 Amend the bill in section 1 in §1617 in subsection 2 by inserting after paragraph D the  
4 following:

5 'E. The program must provide a financial incentive with a minimum value of \$2 to a  
6 person for each unwanted electronic smoking device returned by the person to a  
7 collection location, except that a person may not receive a financial incentive for more  
8 than 2 devices returned to a collection location in a single day.'

9 Amend the bill in section 1 in §1617 in subsection 3 in the first line (page 2, line 30 in  
10 L.D.) by inserting after the following: "**sale**" the following: **': retailer participation'**

11 Amend the bill in section 1 in §1617 by inserting after subsection 3 the following:

12 'Within 3 years following the date on which the stewardship plan is approved by the  
13 department pursuant to subsection 7, all retailers in the State shall participate in the program  
14 as collection locations, and the stewardship organization shall notify the department of any  
15 retailer that refuses to participate as a collection location within 90 days of that refusal.'

16 Amend the bill in section 1 in §1617 by striking out all of subsection 4 (page 2, lines  
17 35 to 37 in L.D.) and inserting the following:

18 **'4. Collection location participation fees prohibited. An electronic smoking device**  
19 **stewardship program may not charge a person a fee to participate in the program as a**  
20 **collection location.'**

21 Amend the bill in section 1 in §1617 in subsection 5 in the 3rd line (page 2, line 40 in  
22 L.D.) by inserting after the following: "devices;" the following: 'financial incentives for the  
23 return of unwanted electronic smoking devices to collection locations as described in  
24 subsection 2, paragraph E.'

25 Amend the bill in section 1 in §1617 in subsection 5 in the 4th line (page 2, line 41 in  
26 L.D.) by inserting after the following: "any" the following: 'other'

27 Amend the bill in section 1 in §1617 in subsection 6 in paragraph B in subparagraph  
28 (2) in the last line (page 3, line 20 in L.D.) by striking out the following: "and"

29 Amend the bill in section 1 in §1617 in subsection 6 in paragraph B in subparagraph  
30 (3) in the last line (page 3, line 23 in L.D.) by inserting after the following: "devices;" the  
31 following: 'and'

32 Amend the bill in section 1 in §1617 in subsection 6 in paragraph B by inserting after  
33 subparagraph (3) the following:

34 '(4) How the collection system will ensure that each collection receptacle provided  
35 by the stewardship organization to a collection location will be emptied and  
36 serviced as often as necessary to avoid the receptacle's reaching storage capacity  
37 and to ensure proper operation of the receptacle.'

38 Amend the bill in section 1 in §1617 in subsection 7 in the last line (page 4, line 41 in  
39 L.D.) by inserting after the following: "plan." the following: 'Within 30 days of approval  
40 by the department of a submitted stewardship plan, or approval of an amendment to a  
41 previously approved stewardship plan submitted pursuant to subsection 9, the department

shall publish the approved stewardship plan, or an approved amendment to a previously approved stewardship plan, on the department's publicly accessible website.'

Amend the bill in section 1 in §1617 by striking out all of subsection 8 (page 4, lines 42 and 43 and page 5, lines 1 and 2 in L.D.) and inserting the following:

**'8. Implementation of plan.** A producer or stewardship organization that submitted a stewardship plan under subsection 6 that was approved by the department under subsection 7 shall implement the plan no later than 180 days after the date the plan was approved.'

Amend the bill in section 1 in §1617 in subsection 9 in paragraph B in the 10th line (page 5, line 25 in L.D.) by striking out the following: "financial" and inserting the following: 'additional financial or other'

Amend the bill by inserting after section 1 the following:

**'Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Remediation and Waste Management 0247**

Initiative: Provides funding to establish one Environmental Specialist III position and associated position costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2025-26</b>	<b>2026-27</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$112,482
All Other	\$0	\$8,992
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$121,474</b>

**Remediation and Waste Management 0247**

Initiative: Provides one-time funding for one limited-period Environmental Specialist III position and associated position costs.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
POSITIONS - LEGISLATIVE COUNT	1.000	0.000
Personal Services	\$104,480	\$0
All Other	\$5,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$109,480</b>	<b>\$0</b>

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**DEPARTMENT TOTALS**

	<b>2025-26</b>	<b>2026-27</b>
<b>GENERAL FUND</b>	<b>\$109,480</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$121,474</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$109,480</b>	<b>\$121,474</b>

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

### SUMMARY

This amendment amends the electronic smoking device stewardship program law proposed in the bill as follows.

1. It adds definitions for "collection location," "municipality" and "retailer." "Retailer" is defined to mean any of the following persons that sell or offer for sale electronic smoking devices: tobacco retailers; caregiver retail stores and registered dispensaries under the Maine Medical Use of Cannabis Act; and cannabis stores under the Cannabis Legalization Act.

2. It clarifies requirements for the collection system to be implemented under an electronic smoking device stewardship program, including by requiring that, within 3 years following the date on which the stewardship plan for a program is approved by the Department of Environmental Protection, all retailers in the State must participate in the program as collection locations.

3. It requires an electronic smoking device stewardship program to provide a financial incentive with a minimum value of \$2 to a person for each unwanted electronic smoking device returned by the person to a collection location, except that a person may not receive a financial incentive for more than 2 devices returned to a collection location in a single day.

4. It clarifies that a producer or stewardship organization that submitted an electronic smoking device stewardship plan that was approved by the department must implement that plan no later than 180 days after the date the plan was approved.

The amendment also amends the waste management laws to provide that, beginning on the date that an approved electronic smoking device stewardship plan is first implemented by a producer or electronic smoking device stewardship organization, a person may not dispose of an electronic smoking device except in accordance with an electronic smoking device stewardship program or by delivery to a licensed hazardous waste transporter.

### FISCAL NOTE REQUIRED

(See attached)