

Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 1185, L.D. 1649, Bill, "An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws"

Amend the bill in section 3 in paragraph A in the 4th line (page 1, line 20 in L.D.) by striking out the following: "sites" and inserting the following: 'locations'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 38 MRSA §1776, sub-§1, ¶D is enacted to read:

D. The program must include at a minimum a half-time employee or contracted agent whose job duties are dedicated to implementing the program in the State unless the commissioner determines that a lesser staffing requirement is adequate to provide the administrative oversight, training and ongoing technical support to collection locations, education and outreach efforts, program performance assessment and reporting necessary for program implementation.'

Amend the bill in section 5 in subsection 4 in the last line (page 1, line 38 in L.D.) by inserting after the following: "program" the following: 'and which must be properly documented and provided by the department to the program prior to or at the time that such payment is required'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 38 MRSA §1776, sub-§5, ¶¶B, E, H, I, J and K, as enacted by PL 2013, c. 315, §7, are amended to read:

B. A description of the collection system, including:

- (1) The types of sites locations or other collection services to be used;
(2) How all products covered under the product stewardship program will be collected in all counties of the State; and
(3) How the collection system will be convenient and adequate to serve the needs of all entities;

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1 E. ~~If possible,~~ A description of the method methods to be used to reuse, deconstruct
2 ~~or~~ and recycle the unwanted product to ensure that the product components are
3 transformed or remanufactured to the extent feasible;

4 H. A description of the education and outreach methods that will be used to recruit,
5 train and monitor collection locations and to encourage participation in the program
6 on an ongoing basis by collection locations and by consumers throughout the State;

7 I. A description of how education and outreach methods will be evaluated, including,
8 at a minimum, completion of an annual consumer awareness survey to assess
9 consumer knowledge regarding product management options and collection
10 locations. The survey questions and methodology must be approved by the
11 department, and the survey must be administered by a 3rd party;

12 J. ~~Any~~ A description of how program performance will be assessed, including
13 performance goals established by producers or a stewardship organization to show
14 success of the program; and. When a performance goal is expressed as a recycling
15 rate or a diversion from disposal rate, the plan must include a description of the
16 methodology and the relevant historic sales data used to develop the rate. Sales
17 information submitted to the department pursuant to this paragraph that is identified
18 by the producer or stewardship organization as proprietary information is confidential
19 and must be handled by the department in accordance with subsection 10. The
20 performance goals under this paragraph must include, at a minimum, one of the
21 following goals:

22 (1) That at least 50% of the residents of the State will be aware of the program
23 by no later than the end of the 3rd year of program implementation and at least
24 70% of the residents of the State will be aware of the program by no later than
25 the end of the 6th year of program implementation;

26 (2) That a diversion from disposal rate of at least 50% will be achieved by the
27 program by no later than the end of the 4th year of program implementation; or

28 (3) An alternative performance goal that does not meet the criteria in
29 subparagraph (1) or (2) as long as sufficient evidence is provided to the
30 department to justify that alternative performance goal;

31 K. A description of how the program will be financed. If the program is financed by
32 a per unit assessment paid by the producer to a stewardship organization consumer at
33 the point of sale, a plan for an annual 3rd-party audit to ensure revenue from the
34 assessment does not exceed the cost of implementing the product stewardship
35 program must be included; and'

36 Amend the bill in section 7 in paragraph L in the 4th line (page 2, line 39 in L.D.) by
37 striking out the following: "employee or employees" and inserting the following:
38 'program staffing required'

39 Amend the bill in section 9 in subsection 6-A in paragraph A in the 5th line (page 3,
40 line 12 in L.D.) by striking out the following: "sites" and inserting the following:
41 'locations'

1 Amend the bill in section 9 in subsection 6-A by striking out all of paragraph B (page
2 3, lines 18 to 25 in L.D.) and inserting the following:

3 'B. If the department determines that a program has failed to make adequate progress
4 toward achieving the program's performance goals described in the approved product
5 stewardship plan pursuant to subsection 5, paragraph J, the department shall notify
6 the producer or stewardship organization operating the program in writing regarding
7 its determination and may direct the producer or stewardship organization to
8 implement specific changes to the plan within 6 months of the written notification,
9 which may include, but are not limited to, improvements to the convenience of the
10 collection system or to the education and outreach efforts under the program to
11 improve program performance. The department may also recommend in its annual
12 report under section 1772, subsection 1 that the program be amended to require
13 financial incentives or, if appropriate for the product, implementation of a deposit and
14 refund system.'

15 Amend the bill in section 10 in subsection 7 in paragraph A in the first line (page 3,
16 line 33 in L.D.) by striking out the following: "site" and inserting the following: 'location'

17 Amend the bill in section 10 in subsection 7 in paragraph D in the 3rd line (page 4,
18 line 1 in L.D.) by striking out the following: "Every 2 years, the" and inserting the
19 following: 'Every 2 years, the The'

20 Amend the bill in section 10 in subsection 7 in paragraph F in the first line (page 4,
21 line 7 in L.D.) by inserting after the following: "program" the following: 'and to the
22 approved goals for the program'

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

25 SUMMARY

26 This amendment, which is the majority report of the committee, amends the bill as
27 follows.

28 1. It amends program staffing requirements to allow the Commissioner of
29 Environmental Protection to approve a lesser staffing requirement than the minimum
30 half-time employee required under the bill.

31 2. It authorizes the Department of Environmental Protection to recommend in its
32 annual report to the Legislature that a program be required to provide financial incentives
33 or a deposit and refund system.

34 3. It makes a number of other technical changes to the bill.