



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 716

H.P. 547

House of Representatives, February 23, 2011

### **An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components**

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Received by the Clerk of the House on February 18, 2011. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

HEATHER J.R. PRIEST  
Clerk

Presented by Representative WALSH INNES of Yarmouth.  
Cosponsored by Senator GOODALL of Sagadahoc and  
Representatives: CHIPMAN of Portland, DUCHESNE of Hudson, HARLOW of Portland,  
HINCK of Portland.

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

2 **Sec. 1. 38 MRSA §1665-A, sub-§5**, as amended by PL 2009, c. 277, §3, is  
3 further amended to read:

4 **5. Motor vehicle manufacturer responsibility.** Manufacturers of motor vehicles  
5 sold in this State that contain mercury switches or mercury headlamps shall, individually  
6 or collectively, do the following:

7 A. Establish a system to collect and recycle mercury switches removed pursuant to  
8 subsection 3. The system may consist of consolidation facilities geographically  
9 located to serve all areas of the State to which the switches may be transported by the  
10 persons performing the removal or any other collection methodology approved by the  
11 department. The system must be convenient to use, must accept the switches free of  
12 charge and may not provide for collection of the switches at an automobile  
13 dealership;

14 B. Pay for each mercury switch brought to the consolidation facilities as partial  
15 compensation for the removal, storage and transport of the switches a minimum of \$4  
16 if the vehicle identification number or year, make and model of the source vehicle is  
17 provided. If the vehicle identification number or year, make and model of the source  
18 vehicle is not provided, no payment is required;

19 C. Ensure that mercury switches collected pursuant to paragraph A are managed in  
20 accordance with the universal waste rules adopted by the board under subsection 8;  
21 and

22 D. Provide the department and persons who remove motor vehicle components under  
23 this section with information, training and other technical assistance required to  
24 facilitate removal and recycling of the components in accordance with the universal  
25 waste rules adopted by the board under subsection 8, including, but not limited to,  
26 information identifying the motor vehicle models that contain or may contain  
27 mercury switches or mercury headlamps.

28 The goal of this collection and recycling effort is to minimize mercury emissions to the  
29 environment by ensuring that all mercury switches are removed from motor vehicles for  
30 recycling before the vehicles are flattened, baled or crushed.

31 In complying with the requirements of this subsection, manufacturers of motor vehicles  
32 shall establish a system that does not require a person who removes a mercury switch to  
33 segregate switches separately according to each manufacturer of motor vehicles from  
34 which the switches are removed.

35 For purposes of this subsection, unless the context otherwise indicates, "manufacturer"  
36 means a person, or a person's successor in interest, that has legal ownership of the brand  
37 of a product sold in the State, or imports a product branded by a person that has legal  
38 ownership of the brand of a product sold in the State and has no physical presence in the  
39 United States.

40 **Sec. 2. 38 MRSA §1665-A, sub-§10** is enacted to read:

