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An Act To Promote Recycling of Cellular Telephones

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

Sec. 1. 38 MRSA §2143 is enacted to read:

§ 2143. Cellular telephone recycling

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

A. "Cellular telephone" means a mobile wireless telephone device that is designed to send or receive transmissions through a cellular radiotelephone service as defined in 47 Code of Federal Regulations, Section 22.99 (2005). "Cellular telephone" does not include a wireless telephone device that is integrated into the electrical architecture of a motor vehicle.

B. "Retailer" means a person, firm or corporation that sells a cellular telephone to a consumer, including a manufacturer of a cellular telephone that sells directly to the consumer.

C. "Sell" or "sale" means, but is not limited to, transactions, including both lease and transfer of ownership, conducted through sales outlets, catalogues, mail order, telephone or the Internet or any other similar electronic means, but does not include a wholesale transaction with a distributor or retailer.

2. System established. Effective October 1, 2007, a person or retail establishment selling or offering for retail sale cellular telephones shall have a system for the acceptance and collection of used cellular telephones for reuse, recycling or proper disposal that includes at a minimum all of the following:

A. The return from a consumer of a used cellular telephone that the retailer previously sold to the consumer, at no cost to that consumer. The retailer may require proof of purchase;

B. The acceptance of a used cellular telephone from a consumer who is purchasing a new cellular telephone from that retailer, at no cost to that consumer;

C. The return from a consumer of a used cellular telephone that the retailer delivered directly to the consumer, at no cost to that consumer;

D. Mechanisms to ensure safe disposal of any hazardous parts of cellular telephones not resold or reused; and

E. When a commercial environment exists where physical space is provided for transactions between retailers and consumers, the posting of an 8 1/2 inch by 11 inch written notice provided by the department pursuant to subsection 3 that includes the display of the universal recycling symbol and the notice: "State law requires us to accept, if offered by the consumer, used cellular telephones for recycling in exchange for new cellular telephones purchased."

A retailer shall provide to the consumer written notification of the recycling and disposal provisions provided by or through the retailer.

A retailer must inform the department of any change in the retailer's system within 30 days after the change is made.

3. Inspection and enforcement. The department shall produce, print and distribute the notices required under subsection 1, paragraph E. The department shall enforce the provisions of this section and may inspect premises where cellular telephones are sold.

After October 1, 2007 it is unlawful to sell a cellular telephone to a consumer in this State unless the retailer of that cellular telephone complies with this section.

Sec. 2. Report. By January 2, 2008, a retailer of cellular telephones shall report to the Department of Environmental Protection on the reuse, recycling and disposal system the retailer has implemented pursuant to the Maine Revised Statutes, Title 38, section 2143. The report must include the mechanism for the safe disposal of parts and hazardous elements and the name and address of partner organizations.

SUMMARY

This bill requires a retail establishment that sells cellular telephones to accept used cellular telephones for reuse, recycling or proper disposal. The bill also requires retail establishments to report by January 1, 2008 to the Department of Environmental Protection with the reuse, recycling and disposal system they have implemented.