

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 by striking out everything after the enacting clause and before the summary and inserting the following:

‘**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. "Cellular telephone service provider" means a provider of wireless voice or data retail service.

C. "Retailer" means a person, firm or corporation that sells or offers to sell a cellular telephone to a consumer at retail.

2. Collection system. Effective January 1, 2008, a retailer shall accept, at no charge, used cellular telephones from any person. A retailer required to accept used cellular telephones under this subsection shall post, in a prominent location open to public view, a notice printed in boldface type and containing the following language: "We accept used cellular telephones at no charge."

3. Disposal ban. Effective January 1, 2008, a person may not dispose of a cellular telephone in solid waste for disposal in a solid waste disposal facility.

4. Reports. By January 1, 2009, and every year thereafter until January 1, 2013, a cellular telephone service provider shall report to the department the number of cellular telephones collected pursuant to this section and how the collected cellular telephones were disposed of, reused or recycled. By February 1, 2009 and every year thereafter until February 1, 2013, the department shall report on the collection system to the joint standing committee of the Legislature having jurisdiction over natural resources matters.’

SUMMARY

This amendment deletes the provisions in the bill that require retailers to have a specified system in place for the collection of used cellular telephones and replaces those provisions with a provision requiring retailers to accept used cellular telephones from any person beginning January 1, 2008. It also deletes from the bill the provision making it unlawful for retailers who do not comply with the law to sell cell phones in the State.

The amendment prohibits the disposal of cellular telephones in solid waste disposal facilities. It requires service providers to report to the Department of Environmental Protection the number of cellular telephones collected and how the collected phones were disposed of, reused or recycled. It also requires the Department of Environmental Protection to report on the collection program to the joint standing committee of the Legislature having jurisdiction over natural resources matters.