

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 in section 3 in subsection 5 in paragraph B in subparagraph (3) in the 3rd line (page 2, line 3 in L.D.) by striking out the following: "sliding scale basis that is representative of the manufacturer's" and inserting the following: 'basis proportional to the manufacturer's national'

Amend the bill in section 3 in subsection 5 in paragraph D in subparagraph (1) in the 15th to 19th lines (page 2, lines 35 to 39 in L.D.) by striking out the following: "The recycling of televisions must be funded by allocating the cost of the program among the manufacturers selling televisions in the State based on a sliding scale that is representative of the manufacturer's market share of televisions in the State. Market share information must be based on available national market share data." and inserting the following: 'The recycling of televisions must be funded by allocating the cost of the program among the manufacturers selling televisions in the State on a basis proportional to the manufacturer's national market share of televisions. The department shall annually determine each television manufacturer's recycling share based on readily available national market share data. If the department determines that a television manufacturer's market share is less than 1/10 of 1%, the department may deem that market share de minimus. A television manufacturer whose market share is deemed de minimus by the department is not responsible for payment of a pro rata share of televisions for the corresponding billing year. The total market shares deemed de minimus by the department must be proportionally allocated to and paid for by the television manufacturers that have 1/10 of 1% or more of the market.'

Amend the bill in section 3 in subsection 5 in paragraph E in the last line (page 3, line 12 in L.D.) by inserting after the following: "United States." the following: 'Annually, the department shall also provide manufacturers of televisions and consolidators with a listing of each television manufacturer's proportional market share responsibility for the recycling of televisions for the subsequent calendar year.'

Amend the bill in section 4 in paragraph A in subparagraph (1) in the 7th to 9th lines (page 3, lines 23 to 25 in L.D.) by striking out the following: "For manufacturers of televisions, this plan must be based on the manufacturer's taking responsibility for its market share of televisions in the State." and inserting the following: 'For manufacturers of televisions, this plan must be based on the manufacturer's taking financial responsibility for the allowable costs of its proportional market share of televisions as determined by the department in accordance with subsection 5, paragraph D, subparagraph (1).'

Amend the bill by inserting after section 5 the following:

‘Sec. 6. Cost review and report. The Department of Environmental Protection shall conduct a review of the costs of collection, transportation, handling and recycling of the State's household electronic waste recycling program established in the Maine Revised Statutes, Title 38, section 1610 and of manufacturer responsibility programs implemented in other states for the purpose of identifying opportunities to reduce costs in the State's program. The department shall include the results of the review, along with any recommendations for changes to Title 38, section 1610 and draft legislation to implement the recommended changes, in the report required to be submitted by January 15, 2010 pursuant to Title 38, section 1610, subsection 8.

The department shall convene a working group to assist in the review. The working group must include representation from at least one manufacturer from each product category covered by the electronic waste law, an environmental advocacy organization, a recycling or consolidation business, a statewide municipal association and other interested parties that may have a role in the collection and recycling program. The Joint Standing Committee on Natural Resources is authorized to submit legislation related to the report submitted pursuant to this section to the Second Regular Session of the 124th Legislature.

Sec. 7. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 38, section 1610 take effect January 1, 2010.'

SUMMARY

This amendment clarifies how the market share basis of television manufacturers will be determined. It clarifies that the costs of the television recycling program will be allocated on a basis proportional to the manufacturer's national market share. It authorizes the Department of Environmental Protection to deem a television manufacturer's market share to be de minimus if the market share is less than 1/10 of 1%. If the department deems market shares to be de minimus, those market shares must be proportionally allocated to other television manufacturers. It requires the department to annually provide television manufacturers and consolidators with a listing of each manufacturer's proportional market share. It directs the department to conduct a review of the costs of the State's household electronic waste recycling program and of manufacturer responsibility programs in other states and authorizes the Joint Standing Committee on Natural Resources to submit legislation related to the report to the Second Regular Session of the 124th Legislature. This amendment establishes an effective date for those sections of the bill that amend the laws governing the recycling of televisions.