

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND FIFTEEN

—
 S.P. 371 - L.D. 1045

**An Act To Modify the Laws Regarding the Collection and Recycling of
 Mercury-added Thermostats**

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

Sec. 1. 38 MRSA §1665-B, sub-§1, ¶E is enacted to read:

E. "Contractor" means a person engaged in the business of installing, servicing or removing thermostats and other heating, ventilation and air conditioning components.

Sec. 2. 38 MRSA §1665-B, sub-§2, ¶E, as amended by PL 2011, c. 420, Pt. E, §2 and affected by §5, is further amended to read:

E. ~~Within 3 months after the department develops phase one of the plan required by subsection 4, provide~~ Provide a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat ~~by a contractor or service technician~~ to an established recycling collection point;

Sec. 3. 38 MRSA §1665-B, sub-§2, ¶F, as amended by PL 2011, c. 420, Pt. E, §3 and affected by §5, is repealed.

Sec. 4. 38 MRSA §1665-B, sub-§2, ¶G, as amended by PL 2009, c. 277, §8, is further amended to read:

G. ~~Beginning in 2008, submit~~ Submit an annual report to the department by ~~January 30th~~ April 1st of each year. The report must be submitted on a form provided by the department and must include ~~at a minimum:~~

- (1) The number of mercury-added thermostats collected and recycled by that manufacturer pursuant to this section during the previous calendar year;
- (2) The estimated total amount of mercury contained in the thermostat components collected by that manufacturer pursuant to this section;
- (3) An evaluation of the effectiveness of the manufacturer's collection and recycling program and the financial incentive provided pursuant to ~~paragraphs~~ paragraph E and F;

~~(4) An accounting of the administrative costs incurred in the course of administering the collection and recycling program and the financial incentive plan developed pursuant to subsection 4;~~

(5) A description of the education and outreach strategies employed during the previous calendar year to increase participation and collection rates and examples of education and outreach materials used; and

(6) Modifications that the manufacturer is proposing to make in its collection and recycling program; and

Sec. 5. 38 MRSA §1665-B, sub-§4, as enacted by PL 2005, c. 558, §1, is amended to read:

4. Financial incentive plan. The department shall develop a manufacturer financial incentive plan in 2 phases. By January 1, 2007, the department shall develop phase one of the plan, which must address collection of mercury-added thermostats from contractors and service technicians. By August 1, 2007, the department shall develop phase 2 of the plan, which must address collection of mercury-added thermostats from homeowners. The plan must be developed in consultation with a stakeholder group that includes representatives from the thermostat industry, environmental groups, thermostat wholesalers and service contractors. The plan must be developed in a manner that ensures to the maximum extent practical that:

- A. The capture rate of out-of-service mercury-added thermostats is maximized;
- B. Adequate incentives and education are provided to contractors, service technicians and homeowners to encourage return of thermostats to established recycling collection points;
- C. Administrative costs of the plan are minimized;
- D. The plan encourages the purchase of nonmercury thermostats qualified by the United States Environmental Protection Agency's Energy Star program as replacements for mercury-added thermostats; and
- E. Mechanisms are in place to protect against the fraudulent return of thermostats.

The plan must include a requirement that manufacturers provide a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat to an established recycling collection point in accordance with subsection 2, ~~paragraphs~~ paragraph E and F. The financial incentive may include, without limitation, cash, rebates, discounts, coupons or other incentives.

Sec. 6. Department of Environmental Protection; review of financial incentive plan. The Department of Environmental Protection shall review the financial incentive plan established under the Maine Revised Statutes, Title 38, section 1665-B, subsection 4 and, by February 15, 2016, shall submit a report to the Joint Standing Committee on Environment and Natural Resources that contains, at a minimum, the following recommendations and, where applicable, corresponding implementing legislation:

1. Recommendations regarding reduction of the complexity and costs of the manufacturer thermostat collection and recycling program established pursuant to Title 38, section 1665-B, subsection 2;

2. Recommendations regarding improving the effectiveness of the manufacturer thermostat collection and recycling program, including changes in the mechanism for manufacturer payment of the financial incentive, the form of the financial incentive payment and the roles and responsibility of each participant in the program; and

3. Recommendations regarding the continuation of the thermostat disposal ban under Title 38, section 1663.

The department may include the report required under this section in the report required pursuant to Title 38, section 1772, subsection 1.