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Date: (Filing No. S- )

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 371, L.D. 1045, Bill, “An Act To Modify the Laws Regarding the Collection and Recycling of Mercury-added Thermostats”

Amend the bill by striking out all of section 1 and inserting the following:

**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 E, §3 and affected by §5, is repealed.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;

**COMMITTEE AMENDMENT**

1 (3) An evaluation of the effectiveness of the manufacturer's collection and  
2 recycling program and the financial incentive provided pursuant to ~~paragraphs~~  
3 ~~paragraph E and F~~;

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

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

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

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

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

23 A. The capture rate of out-of-service mercury-added thermostats is maximized;

24 B. Adequate incentives and education are provided to contractors, service  
25 technicians and homeowners to encourage return of thermostats to established  
26 recycling collection points;

27 C. Administrative costs of the plan are minimized;

28 D. The plan encourages the purchase of nonmercury thermostats qualified by the  
29 United States Environmental Protection Agency's Energy Star program as  
30 replacements for mercury-added thermostats; and

31 E. Mechanisms are in place to protect against the fraudulent return of thermostats.

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

37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
38 section number to read consecutively.

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**SUMMARY**

This amendment amends the laws regarding the collection and recycling of mercury-added thermostats as follows:

1. It retains the provision from the bill that adds a definition for the term "contractor";
2. It clarifies that the financial incentive provided for the return of a mercury-added thermostat is to be provided to any person who returns a mercury-added thermostat to an established recycling collection point; and
3. It retains the provision from the bill that changes the due date on the annual manufacturer's report to the Department of Environmental Protection from January 30th to April 1st and removes the requirement that the report contain an accounting of administrative costs.

The amendment also retains the provision from the bill that directs the department to review the financial incentive plan under the laws regarding the collection and recycling of mercury-added thermostats and, by February 15, 2016, submit a report to the Joint Standing Committee on Environment and Natural Resources addressing certain aspects of the plan and, where applicable, recommending legislation to amend the plan or other relevant laws.

The amendment removes from the bill the provisions that require contractors to submit annual reports to the department containing information on the contractor and the thermostats removed from service and disposed of during the previous calendar year and that repeal at a future date certain portions of the laws regarding the collection and recycling of mercury-added thermostats.