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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 952, L.D. 1335, Bill, "An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 38 MRSA §1665-B, sub-§6, as enacted by PL 2005, c. 558, §1, is amended to read:

6. Report. By March 15, 2007 and annually thereafter, the department shall submit a report on the collection and recycling of mercury added thermostats in the State to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report due in 2007 must include a description and discussion of the financial incentive plan established under this section and recommendations for any statutory changes concerning the collection and recycling of mercury added thermostats. Subsequent reports must include Annually, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report that includes an evaluation of the effectiveness of the thermostat collection and recycling programs established under this section, information on actual collection rates and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats. The report may be included in the report required pursuant to section 1772, subsection 1.

Sec. 2. 38 MRSA §1672, sub-§4, ¶E, as enacted by PL 2009, c. 272, §1, is amended to read:

E. Beginning April 15, in 2013, and biennially thereafter, the department shall calculate the percentage of mercury-added lamps recycled from households and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any modifications to the manufacturer recycling programs it intends to make to improve mercury-added lamp recycling rates and any recommendations for statutory changes needed to facilitate mercury-added lamp collection and recycling. The report may be included in the report required pursuant to section 1772, subsection 1.'

COMMITTEE AMENDMENT

1 Amend the bill in section 5 in §1776 by striking out all of subsection 10 (page 4, lines
2 18 to 22 in L.D.) and inserting the following:

3 **'10. Proprietary information.** Proprietary information submitted to the department
4 in a product stewardship plan, in an amendment to a product stewardship plan or pursuant
5 to reporting requirements of this section that is identified by the submitter as proprietary
6 information is confidential and must be handled by the department in the same manner as
7 confidential information is handled under section 1310-B.

8 As used in this subsection, "proprietary information" means information that is a trade
9 secret or production, commercial or financial information the disclosure of which would
10 impair the competitive position of the submitter and would make available information
11 not otherwise publicly available.'

12 Amend the bill by striking out all of sections 6 to 8 and inserting the following:

13 **'Sec. 6. 38 MRSA §2143, sub-§4,** as enacted by PL 2007, c. 343, §1, is amended
14 to read:

15 **4. Reports.** By January 1, 2009, and every year thereafter ~~until January 1, 2013,~~ a
16 cellular telephone service provider shall report to the department the number of cellular
17 telephones collected pursuant to this section and how the collected cellular telephones
18 were disposed of, reused or recycled. ~~By February 1, 2009 and every year thereafter until~~
19 ~~February 1, 2013~~ Annually, the department shall report on the collection system to the
20 joint standing committee of the Legislature having jurisdiction over natural resources
21 matters. The report may be included in the report required pursuant to section 1772,
22 subsection 1.'

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

25 SUMMARY

26 This amendment changes the reporting dates for reports related to the thermostat
27 collection and recycling program and the mercury-added lamp recycling program and
28 authorizes the department to include the reports in the product stewardship report in the
29 bill. The amendment clarifies the provision in the bill related to the confidentiality of
30 proprietary information that provides that proprietary information submitted to the
31 Department of Environmental Protection must be handled by the department in the same
32 manner as confidential information is handled under the Maine Revised Statutes, Title 38,
33 section 1310-B. Although section 1310-B, in part, governs the handling of confidential
34 hazardous waste information, the reference to section 1310-B in the amendment is not
35 intended to limit the applicability of the confidentiality provisions in the amendment to
36 hazardous waste information but to provide a process for how the proprietary information
37 is to be handled. The amendment also strikes the provisions in the bill that repeal the
38 requirement for retailers to collect used cell phones and a related report and instead
39 requires the report to be included with the product stewardship report in the bill.

40 FISCAL NOTE REQUIRED

41 (See attached)

