

NRCM suggested language to substitute the language in LD 1045 is as follows:

Sec. 31. 38 MRS §1665-B, sub-§1, as amended by PL 2009, c. 277, §4, is further amended to read:

D. "Wholesaler" means a business that the department determines is primarily engaged in the distribution and selling of ~~electrical supplies or large quantities of~~ heating, ventilation and air conditioning components to contractors that install ~~electrical or~~ heating, ventilation and air conditioning components.

Sec. 32. 38 MRS §1665-B, sub-§2, as amended by PL 2009, c. 277, §§6 through 9, is further amended to read:

2. Manufacturer responsibility. Each manufacturer of mercury-added thermostats that have been sold in this State shall, individually or collectively:

A. Establish and maintain a collection and recycling program for out-of-service mercury-added thermostats. The collection and recycling program must be designed and implemented to ensure that:

- (1) A maximum rate of collection of mercury-added thermostats is achieved;
- (2) Handling and recycling of mercury-added thermostats are accomplished in a manner that is consistent with section 1663, with other provisions of this chapter and with the universal waste rules adopted by the board pursuant to section 1319-O;
- (3) Authorized bins for mercury-added thermostat collection are made available at a reasonable one-time fee not to exceed \$25 to all wholesaler heating, ventilation and air conditioning supply, electrical supply and plumbing supply distributor locations that sell thermostats; ~~and~~ to all retailers and electrical supply wholesalers, and to other businesses identified by the department as collecting mercury thermostats, who volunteer to participate in the program; and
- (4) By January 1, 2007, authorized bins for mercury-added thermostat collection are made available at a reasonable one-time fee not to exceed \$25 to municipalities and regions requesting bins for mercury-added thermostat collection at universal waste collection sites or at periodic household hazardous waste collection events, as long as the collection sites or events are approved by the department for mercury-added thermostat collections;

B. Work cooperatively with the department and others in accordance with subsection 4 to establish appropriate systems in order to implement the plan developed pursuant to subsection 4;

C. Within 3 months after the department develops phase one of the plan required by subsection 4, implement phase one of the plan;

D. Within 3 months after the department develops phase 2 of the plan required by subsection 4, implement phase 2 of the plan;

E. Within 3 months after the department develops phase one of the plan required by subsection 4, 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 wholesaler recycling collection point;

F. Within 3 months after the department develops phase 2 of the plan required by subsection 4, provide a financial incentive with a minimum value of \$5 for the return of each mercury-added thermostat, ~~by a homeowner~~ to an established retail or other recycling collection point;

G. Beginning in 2008, submit an annual report to the department by January 30th 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 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

H. Beginning January 1, 2010, submit a quarterly report to the department within 30 days after the end of each quarter that, for each shipment of thermostats received by the manufacturer or manufacturer's agent for recycling during the quarter, provides:

- (1) The collection location that shipped the thermostats;
- (2) The date the manufacturer received the shipment;
- (3) The number of mercury thermostats; and
- (4) The total amount of mercury collected.

Sec. 1. 38 MRSA c. 16-B is enacted to read:

§1665-B. Mercury Added Thermostats.

5. Goals, Performance Requirements.

A. ~~The manufacturer shall, at a minimum, collect for recycling the number of mercury-containing thermostats per year as outlined in the table below. goal of the collection and recycling efforts under this section is to collect and recycle at least 125 pounds of mercury per year from mercury added thermostats within 2 years after the development of phase one of the plan required by subsection 4 and at least 160 pounds of mercury per year within 3 years after the development of phase 2 of the plan required by subsection 4.~~

<u>Year</u>	<u>Mercury-containing thermostats collected and recycled annually</u>
<u>2015</u>	<u>4,895</u>
<u>2016</u>	<u>5,340</u>
<u>2017</u>	<u>5,785</u>
<u>2018</u>	<u>6,230</u>
<u>2019-2024</u>	<u>6,675</u>
<u>2025-2034</u>	<u>5,700</u>

B. Improvement Plan. In any year that the performance requirement has not been achieved, the department shall include in its annual report to the Legislature proposed changes in program implementation, including but not limited to communications, education, training, and financial incentives that would seek to ensure that performance requirement for the next year shall be achieved. In the department annual report for 2034 and beyond, the department may propose alternative performance requirements based on studies it may perform regarding the number of mercury-containing thermostats coming out of service and mercury thermostat collection results achieved in states with comparable program requirements.