

***2/19/10 Draft Sponsor Amendment, replacing previous draft  
submitted 2/4/10***

**An Act To Provide Leadership Regarding the Responsible Recycling of  
Consumer Products**

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

**Sec. 1. 38 MRSA c. 18** is enacted to read:

**CHAPTER 18**

**PRODUCT STEWARDSHIP**

**§ 1771. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Brand.** "Brand" means a name, symbol, word or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand.

**2. Covered entity.** "Covered entity" means a type of entity, such as an individual or small business, that may utilize a product stewardship program to manage an unwanted product.

**3. Final disposition.** "Final disposition" means the point beyond which no further processing takes place and the materials from a product are either in a form capable of direct use as an input in manufacturing new products or are treated for final disposal and disposed of.

**4. Producer.** "Producer" means a person that:

A. Has legal ownership of the brand of a product sold in or into the State;

B. Imports a product branded by a person that meets the requirements of paragraph A and has no physical presence in the United States; or

C. Sells a product in the State at wholesale or retail, does not have legal ownership of the brand of the product and elects to fulfill the responsibilities of the producer for that product.

**5. Product.** "Product" means an item intended for sale within the State that is identified pursuant to section 1773 as appropriate for a product stewardship program.

**6. Product category.** "Product category" means a group of similar products designated pursuant to section 1773 for the purpose of assigning product stewardship responsibilities and establishing product stewardship programs.

**7. Product stewardship.** "Product stewardship" means a producer takes responsibility for managing and reducing the life-cycle impacts of the producer's product, from product design to end-of-life management.

**8. Product stewardship program.** "Product stewardship program" means a program financed without a visible fee at purchase and either managed or provided by producers including, but not limited to, the collection, transportation, reuse and recycling or disposal, or both, of unwanted products.

**9. Recycling.** "Recycling" means the transforming or remanufacturing of an unwanted product or the unwanted product's components and by-products into usable or marketable materials. "Recycling" does not include landfill disposal, incineration or energy recovery or energy generation by means of combusting unwanted products, components and by-products with or without other waste.

**10. Residuals.** "Residuals" means leftover materials from processing or recycling a product or the components, parts or materials contained in a product.

**11. Reuse.** "Reuse" means a change in ownership of a product or component in a product for use in the same manner and purpose for which it was originally produced.

**12. Stewardship organization.** "Stewardship organization" means an organization appointed by a producer to act as an agent on behalf of the producer to administer a product stewardship program.

**13. Unwanted product.** "Unwanted product" means a product that is no longer wanted by its owner or that has been abandoned or discarded or is intended to be discarded by its owner.

**14. Product Stewardship Leader.** "Product Stewardship Leader" means a producer that is in compliance with the requirements of this chapter.

## **§ 1772. Declaration of Policy**

It is the policy of the State, consistent with its duty to protect the health, safety and welfare of its citizens, to promote product stewardship as a policy tool to support Maine's waste management hierarchy. By enactment of this chapter, the Legislature confers upon the department the authority to collect information on products in the waste stream and to assist the Legislature in designating products or product categories for product stewardship programs. The policy represented in this chapter is in furtherance of Maine's waste management hierarchy under chapter 24.

### **§ 1773. Identification of candidate products report:**

By December 1, 2010, and annually thereafter, the department may submit to the Joint Standing Committee on Natural Resources a report on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. The department shall also make the report available on its website, and the public may submit written comment to the Joint Standing Committee on Natural Resources within 30 days of the posting. The report may include recommendations for establishing new product stewardship programs and for changes to existing programs. A product or product category may be identified as a candidate for a product stewardship program if:

- (1) The product or product category is found to contain toxics which pose an adverse impact to the environment or public health and safety;
- (2) A product stewardship program for the product will increase the recovery of materials for reuse and recycling;
- (3) A product stewardship program will reduce the costs of waste management to local governments and taxpayers;
- (4) There is success in collecting and processing similar products in programs in other states and countries;
- (5) Existing voluntary product stewardship programs for the product in the State are not effective in achieving the intent of this chapter.

### **§ 1774. Establishment of product stewardship programs:**

Beginning on January 1, 2011, and annually thereafter, the Joint Standing Committee on Natural Resources may submit legislation to the Legislature to implement recommendations included in the department's report to establish new product stewardship programs or revise existing product stewardship programs.

### **§ 1775. Applicability.**

1. **Transportation.** The requirements of this chapter do not apply to motor vehicle as defined in Title 29-A, section 101, subsection 42 or watercraft as defined in Title 12, section 13001, subsection 28 or their component parts.
2. **Pulp and Paper Manufacturers.** The requirements of this chapter do not apply to pulp and paper manufacturers except conversion facilities for consumer product packaging.

### **§ 1776. No limitation of municipal authority.**

Nothing in this chapter changes or limits municipal authority to regulate collection of solid waste, including curbside collection of residential recyclable materials.