

§1604. Lead-acid batteries

For the purposes of this section, "lead-acid battery" means a device designed and used to store electrical energy through chemical reactions involving lead and acid. [PL 1989, c. 583 (NEW); PL 1989, c. 585, Pt. E, §35 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

1. Disposal. No person may dispose of a lead-acid battery by burial, incineration, deposit or dumping so that the battery or any of its constituents may enter the environment or be emitted into the air or discharged into any waters.

[PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

2. Lead-acid battery retailers. A person selling or offering for retail sale lead-acid batteries shall:

A. Accept, at the point of transfer, used lead-acid batteries in reasonably clean and unbroken condition from customers in a quantity at least equal to the number of new batteries purchased; [PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

B. If a used lead-acid battery is not exchanged at the time of sale, collect a \$10 deposit on the new battery.

(1) The deposit shall be returned to the customer when the customer delivers a used lead-acid battery within 30 days of the date of sale.

(2) All funds received by a dealer as a deposit on a lead-acid battery shall be held in trust and separately accounted for by the retailer. Any interest on those funds shall inure to the benefit of the retailer. Annually on July 1st, all deposits not returned to customers in exchange for lead-acid batteries during the previous year ending June 30th shall inure to the benefit of the retailer; and [PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

C. Post an 8 1/2" x 11" written notice that includes the display of the universal recycling symbol and the following language.

(1) "State law requires us to accept motor vehicle batteries or other lead-acid batteries for recycling in exchange for new batteries purchased."

(2) "A deposit of \$10 will be charged for each new lead-acid battery that is not exchanged with an old lead-acid battery."

(3) "It is illegal to dump, bury or incinerate a motor vehicle lead-acid battery or other lead-acid battery."

(4) "Recycle your used batteries." [PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

[PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

3. Lead-acid battery wholesalers. Any person selling new lead-acid batteries at wholesale shall accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries in reasonably clean and unbroken condition from customers. A person accepting lead-acid batteries in transfer from an automotive battery retailer shall be allowed a period, not to exceed 90 days, to remove batteries from the retail point of collection.

[PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

4. Inspection and enforcement. The Department of Environmental Protection shall produce, print and distribute notices required under subsection 2. The department shall enforce the provisions of this section and may inspect places, buildings or premises governed by this section.

[PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

5. Violations. Any person who does not abide by this section commits a civil violation subject to section 349.

[PL 1989, c. 583 (NEW); PL 1989, c. 878, Pt. A, §116 (RPR).]

SECTION HISTORY

PL 1989, c. 583 (NEW). PL 1989, c. 585, §E35 (NEW). PL 1989, c. 878, §A116 (RPR).

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