

Side by Side Comparison of Oregon Paint Product Stewardship Law and Maine Paint Product Stewardship Proposal

	Oregon	Maine
Definition of Architectural paint	Paints and stains. Does not include industrial or OEM use.	Paints and stains, inc. aerosols. Does not include adhesives, spackling, industrial or OEM use
Manufacturer responsibilities	Must form a stewardship organization to do a pilot program. (9/1/10)	May form a stewardship organization to provide permanent program
	No plan to state	Submit plan for state approval
	Pilot must implement strategies to reduce waste, promote reuse (E&O?)	Program must implement strategies to reduce waste, promote reuse (E&O)
	Pilot must collect and process post-consumer paint through 1/1/14 when pilot ends if no legislative action	Program must collect and process post-consumer paint. No sunset.
	Must support organization financially	Not required to join a stewardship organization
Stewardship organization responsibilities	Sets assessment fee on paints. Collects fee from members.	Silent on fee assessment; manufacturers determine financing mechanism
	Runs pilot on behalf of members	Runs program on behalf of members
	Submit report to state by 9/1/11	Submits annual report on behalf of members
	Provide consumer E&O re. program and fee	Provides consumer E&O on behalf of members
Distributors/retailers responsibilities	Must include fee in purchase price.	Silent on fee assessment
		May not sell paint if producer is out of compliance.
State responsibilities	Approve paint fee	No approval of any fee required
	Review 9/1/11 report	Review and approve plan; review annual reports
	Recommend to the legislature if program should be permanent 10/1/12	Enforcement
	Extensive state oversight to provide federal anti-trust liability relief	Law provides relief from state anti-trust liability only.
Performance goals	No	Yes
Convenience standard	No	Yes
Administrative fee	No	Yes
3rd party financial audit	Yes	Yes
Enforcement provisions	No	Yes

- Conceptual differences:
- Pilot program in OR; permanent program in ME;
 - OR has state-imposed fee to finance program; manufacturers determine financing mechanism for ME program;
 - OR provides state oversight to provide liability protection from federal antitrust laws; ME does not;
 - OR has no performance goals, convenience standards or enforcement provisions in law; ME does.