

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

M
R.O.S.

L.D. 1831

DATE: 3-10-04

(Filing No. H-758)

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1354, L.D. 1831, "Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources"

Amend the resolve by striking out all of section 1 (page 1, lines 22 to 29 in L.D.) and inserting in its place the following:

'Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if:

1. Section 3, subsection A is amended to provide an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers as described in Title 32, section 1866, subsection 4, paragraph D are required to pay only a \$50 annual license fee;

2. Section 9 is amended to provide that a distributor designated in a qualified commingling agreement pursuant to Title 32, section 1866, subsection 4, paragraph C is required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and

COMMITTEE AMENDMENT

R. of S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

3. Section 5 is amended to provide that any wine container that is required to have a deposit and refund value and that is marked by the manufacturer with a label consistent with Section 5, subsection C is not required to have any additional label, sticker or marking.

The Department of Agriculture, Food and Rural Resources is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.'

SUMMARY

This amendment approves the final adoption of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources provided that:

1. Language is added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers are required to pay a \$50 rather than a \$500 annual license fee;

2. Language is added providing that a distributor designated in a qualified commingling agreement is required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and

3. Language is added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule are not required to have any additional labels, stickers or marking.

The Department of Agriculture, Food and Rural Resources is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1831

**Resolve, Regarding Legislative Review of Portions of Chapter 360:
Responsibilities of Manufacturers, Distributors, Dealers and Redemption
Centers under the Returnable Beverage Container Law, a Major
Substantive Rule of the Department of Agriculture, Food and Rural
Resources**

LR 2703(02)

**Fiscal Note for Bill as Amended by Committee Amendment " "
Committee: Business, Research and Economic Development
Fiscal Note Required: Yes**

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Revenue				
Other Special Revenue Funds	\$251,598	\$263,813	\$277,004	\$290,854

Fiscal Detail and Notes

PL 2001, c.661 authorizes the Department of Agriculture, Food and Rural Resources to establish a fee structure, through the adoption of rules, to provide necessary revenues to the Beverage Container Enforcement Fund to cover its anticipated expenses. Accordingly, as modified by the amended resolve, portions of Chapter 360, a major substantive rule of the department, establish fees which will generate an estimated \$251,598 and \$263,813 in Other Special Revenue Funds revenues for fiscal years 2003-04 and 2004-05, respectively.