

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1115

S.P. 335

In Senate, March 7, 2019

### **An Act To Create Fairness in the Redemption of Beverage Containers**

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.  
Cosponsored by Senators: BREEN of Cumberland, CYRWAY of Kennebec, GRATWICK of Penobscot, Representatives: DOUDERA of Camden, FOLEY of Biddeford.

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

2 **Sec. 1. 38 MRSA §3106, sub-§2**, as enacted by PL 2015, c. 166, §14, is amended  
3 to read:

4 **2. Permissive refusal by dealer.** A Except as provided in subsection 2-A, a dealer  
5 may refuse to accept from a consumer or other person and to pay the refund value on any  
6 beverage container, if the place of business of the dealer and the kind, size and brand of  
7 beverage container are included in an order of the department approving a redemption  
8 center under section 3109.

9 **Sec. 2. 38 MRSA §3106, sub-§2-A** is enacted to read:

10 **2-A. Prohibited refusal by dealer.** Notwithstanding subsection 2 and in accordance  
11 with the requirements of this subsection, if no redemption center approved by the  
12 department under section 3109 is located within 5 miles from the property line of a  
13 dealer, the dealer may not refuse to accept from a consumer or other person and to pay  
14 the refund value on any beverage container that was sold by the dealer.

15 A. A dealer subject to the requirements of this subsection shall affix to the beverage  
16 containers it sells a sticker or similar device that indicates the beverage container is  
17 sold by the dealer, except that prior to affixing a sticker or similar device to any  
18 beverage container, the dealer must submit the sticker or similar device to and receive  
19 written approval from the department to use the sticker or similar device. The dealer  
20 may refuse to accept from a consumer or other person and to pay the refund value on  
21 any beverage container that does not have affixed to it the dealer's sticker or similar  
22 device approved by the department pursuant to this paragraph.

23 B. Notwithstanding subsection 4, a dealer subject to the requirements of this  
24 subsection may refuse to accept beverage containers during:

25 (1) No more than 50% of the business days that the dealer is open weekly; or

26 (2) No more than 2 hours of each business day that the dealer is open if the  
27 dealer accepts beverage containers on all business days that the dealer is open.

28 If a dealer restricts the hours or days during which the dealer accepts beverage  
29 containers, the hours or days during which the dealer will not accept containers must  
30 be conspicuously posted.

31 **SUMMARY**

32 This bill amends the bottle redemption laws to require a dealer to accept from a  
33 consumer or other person and to pay the refund value on any beverage container that was  
34 sold by the dealer if no approved bottle redemption centers are located within 5 miles  
35 from the property line of the dealer. Subject to prior approval of the Department of  
36 Environmental Protection, a dealer shall affix to the beverage containers it sells a sticker  
37 or similar device indicating that the beverage container is sold by the dealer and may  
38 refuse to accept from a consumer or other person and to pay the refund value on any

1 beverage container that does not have the sticker or similar device affixed to it. A dealer  
2 may also limit the hours or days on which it accepts beverage containers for redemption.

3 Under the bottle redemption laws, a dealer is a person who sells, offers to sell or  
4 engages in the sale of beverages in beverage containers to a consumer, and a dealer may,  
5 but is not currently required to, accept from a consumer or other person and pay the  
6 refund value on any beverage container.