

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
BUSINESS LEGISLATION

MAY 1988

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Sen. R. Peter Whitmore

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* Denotes Chair

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**ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST & SECOND SPECIAL SESSIONS
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1988**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD An Act to Amend the Maine Business Corporation Act in ONTP
 2466 Relation to Petitioning the Court for the Removal of
 Directors

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
STEVENS P ALLEN LEBOWITZ BALDACCI	ONTP	

SUMMARY

The bill would have amended the provisions for removing members of the boards of directors of corporations. At present it requires a 2/3rds vote of the share holders to remove a member without cause and a 2/3rds vote of the directors to start court proceedings to remove a member for cause. The bill would have reduced the number required in both cases to a majority.

LD An Act to Clarify the Obligations of Distributors, Dealers PUBLIC
 2472 and Redemption Centers 722

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
SHERBURNE BALDACCI LEBOWITZ TELOW	OTP-AM	H-605

SUMMARY

The bill clarifies the responsibilities of dealers and distributors with respect to the obligation to pick up redeemed containers from local dealers and licensed redemption centers. Under existing law, supermarkets selling private label beverages have refused to arrange for the "pickup" of these containers at redemption centers. Currently, the law speaks only in terms of the obligation to accept and pay the refund value for containers, but is silent as to the obligation to pick up the containers. Since distributors of common or nonexclusive label beverages typically pick up empties from dealers and redemption centers at the same time they are making deliveries, the "pick-up" issue only came into focus with the recent popularity of private label containers.

The distributor of a private label container, who will almost always be the manufacturer, will bear the burden of picking up those containers from certain licensed redemption centers. In order to avoid the hardship of requiring the distributor to pick up empties which are redeemed by redemption centers far away from the nearest dealer, or supermarket, the distributor is required only to pick up containers at those licensed redemption centers which serve the dealer's stores under an order approving a redemption center, as issued by the Commissioner of Agriculture, Food and Rural Resources.

The committee amendment allows the Commissioner of Agriculture to establish rules governing the requirements of the bill.