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Bottle Bill Administration Authority  
M.R.S.A. 1861 et seq.

L.D. 662

# STATE OF MAINE

Inter-Departmental Memorandum Date May 23, 1977


To Joseph N. Williams, Commissioner Dept. Agriculture  
 From David Roseman, Assistant Dept. Attorney General  
 Subject L.D. 662, An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers

I am writing in response to your memo to me of May 20, 1977 regarding the above Legislative Document. You have asked generally whether pursuant to L.D. 662 the Commissioner and Department of Agriculture would have the authority to fully administer the so-called "bottle bill", 32 M.R.S.A. Chapter 28 § 1861 et seq., in accordance with its duly adopted regulations.

L.D. 662 clearly grants to the Commissioner and Department of Agriculture broad powers to adopt the necessary rules and regulations to fully carry out the statute, 32 M.R.S.A. Chapter 28 § 1861 et seq., in accordance with provisions of the law and the intent of the legislature. L.D. 662 is unambiguous in granting the Commissioner and Department the power to adopt necessary regulations and to fully administer, interpret and carry out the provisions of 32 M.R.S.A. Chapter 28 § 1861 et seq.

Thus, Section 1 of L.D. 662 states in part that "[t]his Chapter [Chapter 28] will be administered by the Department of Agriculture . . . ." Section 2 of L.D. 662 provides in part that "[t]he commissioner [of Agriculture] shall . . . adopt . . . reasonable rules and regulations as it [the Commissioner] deems necessary to carry out and interpret the provisions, purposes and intent of this chapter [Chapter 28, 32 M.R.S.A. § 1861 et seq.]" emphasis added. See also the Statement of Fact accompanying L.D. 662.

Accordingly, you correctly state, in the example you pose in your memo, that you would pursuant to L.D. 662 have the authority to adopt regulations to determine which types of container connectors complied with 32 M.R.S.A. § 1868, and which did not.

  
 DAVID ROSEMAN  
 Assistant Attorney General

DR:jg