

MAINE STATE LEGISLATURE

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*Re (H. C. 111) Refund obligations
2/22/78 15/11*

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DEPARTMENT OF THE ATTORNEY GENERAL
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March 8, 1978

Honorable Peter Truman
House of Representatives
(Seat 151)
State House
Augusta, ME

Dear Representative Truman:

This is in response to your oral request for an opinion as to the following question: "Is a grocer required to accept and refund deposits on beverage containers which were initially purchased at another retail store?" A grocer is required to accept such bottles so long as they are of the kind and brand sold by that grocer, regardless of whether the bottles were initially purchased from the grocer or not.

Title 32 M.R.S.A. §1866 provides, as to dealer acceptance, that:

"Except as provided in this section, a dealer shall not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer"

The exception provided allows a dealer to refuse to accept such bottles if the dealer's store is included in the coverage of a redemption center licensed pursuant to Title 32 M.R.S.A. §1867. See Title 32, §1866.2. This section of the statute appears to be clear on its face in requiring that beverage containers be accepted regardless of the place of purchase, based only on the brand or size of bottle involved. See generally 32 M.R.S.A. §1861 as to the purpose and intent of the legislation.

If we can be of further help to you in this matter, please do not hesitate to let us know.

Sincerely,

SARAH REDFIELD
Assistant Attorney General