

MAINE STATE LEGISLATURE

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U.S. Title Bill, Re (Laws) (S. 81) (1978)
32 M.R.S.A. 1866

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STATE OF MAINE

DEPARTMENT OF THE ATTORNEY GENERAL

AUGUSTA, MAINE 04333

August 31, 1978

Honorable Bonnie Post
Star Route 2
Owl's Head, Maine 04854

Dear Representative Post:

This is in response to your request dated August 24, 1978, for an opinion as to whether distributors may refuse to accept returnable beverage containers where such containers are not in case lots. Distributors may not refuse to accept such containers.

Title 32 M.R.S.A. § 1866 provides, in pertinent part, as follows:

"A distributor shall not refuse to accept from any dealer or local redemption center any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the distributor or refuse to pay to the dealer or local redemption center the refund value of a beverage container as established by Section 1863." (Emphasis supplied)

In construing a statute when the language of the statute is clear and unambiguous on its face and conveys a clear and definite meaning, there is no occasion to resort to rules of statutory interpretation or to impose other meanings on the terms of the statute. See, e.g., State v. Granville, 336 A.2d 861 (Me., 1975). Where there is no manifested legislative intent to the contrary, statutes are to be read according to the natural import of the terms used, without resorting to any statutory construction for the purpose of limiting or extending the operation of the provision. See, generally, In re Belgrade Shores, Inc., 359 A.2d 59 (Me., 1976). In this regard, the use of the language emphasized in the above quotation would indicate that the additional prerequisite which you have described (that is, requiring the containers to be in case lots) would not be lawful.

Honorable Bonnie Post
August 31, 1978
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I hope this information has been helpful to you. If you should have any other questions, please feel free to contact us further.

Very truly yours,


JOSEPH E. BRENNAN
Attorney General

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Ret: B-7

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

March 8, 1978

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

Dear Respresentative 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