

# MAINE STATE LEGISLATURE

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*Bottle bill - obligation to accept beer containers from minors.*  
*32 M.R.S.A. § 1866* *CAF*

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

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

December 29, 1978

Honorable Peter W. Danton  
7 Beach Street  
Saco, Maine 04072

Re: Bottle Bill.

Dear Senator Danton:

This is in response to your letter of December 18, 1978, to Attorney General Joseph E. Brennan requesting an opinion as to certain responsibilities of stores in regard to the returnable bottle legislation, 32 M.R.S.A. § 1861 - § 1871. Specifically, you have asked whether a store, whose name and address appears on the container, is under any obligation to accept returnable containers from other outlets and whether a store must accept returnable beer/ale containers from minors since the sale of such is illegal to minors. The answer to both your questions is affirmative.

Title 32 M.R.S.A. § 1866 requires that a dealer\* accept returned beverage containers as follows:

"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, or refuse to pay in cash the refund value of the returned beverage container as established by section 1863. This section shall not require an operator of a vending machine to

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\* Dealer is defined by Title 32 M.R.S.A. § 1862(5) to mean

"A person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, including, but not limited to, an operator of a vending machine containing beverages and beverage containers."

\*\* The exception referred to here is an exception for a dealer whose place of business is included in an area served by a redemption center, see Title 32 M.R.S.A. § 1866(2).

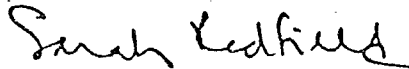
maintain a person to accept returned beverage containers on the premises where the vending machine is located," (Emphasis supplied).

Where the language of a statute is clear and unambiguous on its face and conveys a clear and definite meaning, there is no reason to resort to rules of statutory interpretation or place other meanings on the terms of the statute. See, e.g., State v. Granville, 336 A.2d 861 (Me., 1975). Section 1866 of the so-called bottle bill clearly obligates the dealer to accept containers so long as they are empty, unbroken and reasonably clean and of a kind, size and brand sold by the dealer. There is no exception or limitation on this section. Accordingly, it makes no difference whether the containers are labeled by a certain dealer or not. Similarly, the applicability of the mandatory acceptance is not altered by the fact that beer or ale bottles are returned by minors. The purpose of the legislation limiting the sale of liquor to persons of a certain age is not relevant to the return of empty alcoholic containers by minors.

This office has answered similar questions in response to requests from Representative Peter Truman. Copies of these opinions dated February 16, 1978, and March 8, 1978, are enclosed herewith for your information.

If we can be of further assistance, please feel free to let me know.

Sincerely,



SARAH REDFIELD  
Assistant Attorney General

SR/ec  
Enc.

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+ Clarke at Ag? if so  
Opinion file Boyle

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

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

February 16, 1978

Honorable Peter Truman  
House of Representatives  
State House  
Augusta, Maine

Re: The Law Regarding Manufacturers, Distributors and Dealers  
of Beverage Containers.

Dear Representative Truman:

This is in response to your oral request of February 6, 1978,  
to the Office of the Attorney General for an opinion on the follow-  
ing two questions, the answers to which are discussed herein:

1. Is a grocer or other retailer required under either  
statute or regulation to accept return of beverage containers at  
any time that his place of business is open? Yes.

2. Is a grocer or other retailer required by statute or reg-  
ulation to accept return of beer bottles or cans at times when his  
place of business is open but is not allowed to sell beer or other  
alcoholic beverages? Yes.

DISCUSSION:

The legislation concerning beverage containers includes grocers  
and other retailers in the definition of "dealer" in Title 32 M.R.S.A.  
§ 1862.5, and defines the obligations of dealers in Title 32 M.R.S.A.  
§ 1866, which provides, in pertinent part, as follows:

"Dealer acceptance. Except as provided in  
this section, a dealer shall not refuse to  
accept from any consumer or other person  
not a dealer an empty, unbroken, and reason-  
ably clean beverage container of the kind,  
size and brand sold by the dealer, or refuse  
to pay in cash the refund value of the re-  
turned beverage container as established by  
section 1863. . . ." (emphasis supplied)

The only exceptions in the statute from this provision are the exemption for certain vending machine operators and the general exception for dealers in areas where redemption centers have been approved. Title 32 M.R.S.A. § 1866.1, Section 1866.2.

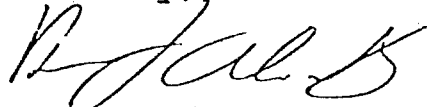
In enacting this legislation, the Maine Legislature stated that its intent was

"to create incentive for the manufacturers, distributors, dealers and consumers of beverage containers to reuse or recycle beverage containers. . . ." 32 M.R.S.A. § 1861.2.

As a general rule, words of the statute are to be construed according to the common meaning of their language. Title 1 M.R.S.A. § 72. In interpreting a statute, the primary concern is to give effect to the intention of the Legislature. Where the statute conveys a clear and definite meaning, the statute should be construed according to the natural and obvious import of its language, "without resorting to subtle and forced constructions for the purpose of either limiting or extending the operation." Pease v. Foulkes, 128 Me. 293, 298 (1929) (construing the statutes concerning the possession and sale of intoxicating liquors).

In view of the statement of the legislative concern for creating incentives for a system of returning beverage containers, and in view of the complete lack of any limitations or exemptions as to times wherein dealers must accept such containers, section 1861 must be read as mandatory. There is nothing in the legislation which would indicate that a dealer could establish limited times for accepting bottles. Nor does there appear to be any other reason why beer bottles and cans cannot be returned at all times, including those when alcoholic beverages may not otherwise be sold. The return of empty alcoholic beverage containers does not logically appear to involve the same public purpose as the prohibition of buying of filled containers of this kind. Accordingly, no reasonable purpose would be served by so limiting the hours when empty alcoholic beverage containers could be returned.

Sincerely,



DONALD G. ALEXANDER  
Deputy Attorney General

DGA/ec