

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1299

H. P. 940

House of Representatives, March 3, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Ault of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Prohibiting the Use of Certain Nonrefundable
Beverage Containers.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 17, § 2254, additional. Title 17 of the Revised Statutes is amended by adding a new section 2254 to read as follows:

§ 2254. Nonrefundable containers

No person, firm or corporation shall distribute, sell or offer for sale, beer or any other malt beverage, or any non-alcoholic carbonated or uncarbonated beverage that is commonly known as a soda pop or soft drink for consumption in this State in a container which does not have a refund value of at least 4¢ for each such container.

For purposes of this section, "container" shall mean any metal can or glass bottle having a capacity of less than 36 fluid ounces.

A seller at retail of beverages in such beverage containers may charge any purchasing customer a deposit on each container in an amount not more than 1¢ in excess of its refund value.

It shall be unlawful for any seller at retail of beverages in such beverage containers to fail or refuse to make appropriate refund for any such beverage container upon presentment of the same by any person, provided that such seller is presently in the business of selling at retail beverages of the same brand and nature, and provided that such beverage container is reasonably clean and unbroken.

It shall be unlawful for any bottler, manufacturer or distributor of beverages in such beverage containers to fail or refuse to make appropriate refund for

any such beverage container upon presentment of the same by any seller at retail thereof, provided it is of the same brand and nature bottled, manufactured or distributed by such bottler, manufacturer or distributor or unless there exists a contract between the parties providing otherwise.

This section shall apply only to beer or any other malt beverage and to so-called soft drinks sold for off premises consumption. It shall not apply to containers sold in vending machines, nor to fruit or vegetable juices ordinarily sold for consumption in the home.

After January 1, 1972, every such beverage container shall bear a permanent stamp, impression or label clearly indicating the refund value of such beverage container.

Any violation of this section shall be a misdemeanor and a public nuisance which may be abated as such.

Sec. 2. Effective date. This Act shall become effective January 1, 1972.

STATEMENT OF FACT

Discarded cans and bottles are a familiar part of Maine's roadside landscape. Requiring the types most commonly present to be refundable will tend to: (1) reduce their incidence, (2) encourage their being picked up, (3) reduce the State Highway Department's annual expenditure of over \$250,000 for litter control, and (4) promote the reuse or re-cycling of limited natural resources.