

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1674

H. P. 1289

House of Representatives, March 29, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Ault of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT to Require Returnable Beverage Containers.

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

Sec. 1. R. S., T. 17, c. 106, additional. Title 17 of the Revised Statutes is amended by adding a new chapter 106, to read as follows:

CHAPTER 106

RETURNABLE BEVERAGE CONTAINERS

§ 3311. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Beverage. "Beverage" means beer or other malt beverages, soda water and other carbonated soft drinks in liquid form and intended for human consumption.

2. Beverage container. "Beverage container" means a glass, metal or plastic bottle, can or jar containing a beverage which has been sealed by a manufacturer.

3. Consumer. "Consumer" means every person who purchases a beverage in a beverage container for use or consumption.

4. Dealer. "Dealer" means every person in this State who engages in the sale of beverages in beverage containers to a consumer.

5. Distributor. "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this State including any manufacturer who engages in such sales.

6. In this State. "In this State" means within the exterior limits of the State of Maine and includes all territory within these limits owned by or ceded to the United States of America.

7. Manufacturer. "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

8. Use or consumption. "Use or consumption" includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purpose of sale.

§ 3312. Refund value

Every beverage container sold or offered for sale in this State shall have a refund value of not less than 4¢.

A dealer may charge a consumer a deposit on each beverage container in an amount not more than 1¢ in excess of its refund value.

§ 3313. Prohibitions

Except as provided in section 3315, a dealer shall not refuse to accept from a consumer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as established by section 3312, and a distributor shall not refuse to accept from a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by section 3312.

§ 3314. Labels, brand names

1. Refund value. Every beverage container sold or offered for sale in this State by a dealer shall clearly indicate by embossing or by a stamp or by a label or other method securely affixed to the beverage container, the refund value of the container.

2. Brand name. Subsection 1 shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on the operative date of this Act, had a refund value of not less than 4¢.

3. Metal container. No person shall sell or offer for sale at retail in this State any metal beverage container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener.

§ 3315. Application

A dealer may refuse to accept from a consumer and a distributor may refuse to accept from a dealer any empty beverage container which does not state thereon a refund value as established by sections 3312 and 3314.

§ 3316. Exemption

This chapter shall not apply to beverages sold in beverage containers for on-premises consumption.

§ 3317. Penalty

Any person who violates sections 3312, 3313 and 3314 shall be punished upon conviction as for a misdemeanor.

Sec. 2. Effective date. This Act shall not become operative until October 1, 1973 and shall apply to all beverage containers sold or offered for sale after October 1, 1973.

STATEMENT OF FACT

Requiring beverage containers to be refundable will (1) reduce their cost to the consumer, (2) reduce their incidence as litter, (3) provide an incentive for their being picked up, (4) create jobs for Maine people and (5) reduce throw-away packaging which is a large part of Maine's domestic solid waste.