

MAINE STATE LEGISLATURE

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New Draft "B" of: H. P. 745, L. D. 913

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1889

H. P. 1610

House of Representatives, May 20, 1975

Reported by Mr. DeVane from the Committee on Business Legislation and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Require Returnable Beverage Containers.

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

Sec. 1. 32 MRSA c. 28 is enacted to read:

CHAPTER 28

RETURNABLE BEVERAGE CONTAINERS

§ 1861. Short title

This chapter may be cited as the "Returnable Beverage Container Act."

§ 1862. Definitions

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

1. Beverage. "Beverage" means beer, ale or other drink produced by fermenting malt, soda water or other nonalcoholic carbonated drink in liquid form and intended for human consumption.

2. Beverage container. "Beverage container" means a glass or plastic bottle, jar or other container which has been sealed by a manufacturer and which, at the time of sale, contains one gallon or less of a beverage and which can be returned for deposit and refilled for reuse 5 or more times or a metal can which has been sealed by a manufacturer and which at the time of sale contains one gallon or less of a beverage and which can be recycled and shall be returnable for a deposit of 3¢ or more.

3. 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.

4. Person. "Person" means an individual, partnership, corporation or other legal entity.

5. Premises. "Premises" means the property on which the sale of a beverage is made, provided that consumption can reasonably be expected to take place within 100 yards of the point of actual sale and the seller provides suitable means for the disposal or collection of beverage containers.

§ 1863. Prohibition

No person defined in this chapter shall sell or offer for sale any beverage in a beverage container except as defined in section 1862, subsection 2, unless such a beverage is to be consumed on the premises where purchased.

§ 1864. Penalties

1. Civil violation. A violation of this chapter by any person is a civil violation for which a forfeiture of not more than \$100 may be adjudged.

2. Separate violations. Each day that such violation continues or exists shall constitute a separate offense.

Sec. 2. Referendum; effective date. This Act shall take effect 90 days after the adjournment of the Legislature, only for the purpose of presenting it to the legal voters of the State of Maine at a special state-wide election to be held on the Tuesday following the first Monday of November following the passage of this Act.

The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at a special state-wide election on the Tuesday following the first Monday of November following the passage of this Act, to give in their votes upon the acceptance or rejection of the foregoing Act, and the question shall be:

"Shall 'An Act to Require Returnable Beverage Containers,' passed by the 107th Legislature, become law?"

The inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of acceptance voting "Yes" and those opposed to acceptance voting "No" and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall review the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of said Act, the Governor shall forthwith make known the fact by his proclamation and the Act shall thereupon become effective January 1, 1977.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing Act, accompanied by a copy thereof.

STATEMENT OF FACT

It is the intent of this new draft to provide for consideration by the Legislature and by the people of Maine of a Returnable Beverage Container Act which if enacted would allow normal economic considerations to determine its implementation.

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