

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE  
FIRST SPECIAL SESSION

SENATE AMENDMENT "A " to H.P. 2090, L.D. 2249, Bill, "AN ACT to Improve Solid Waste Management."

Amend said Bill by striking out all of section 8 and inserting in place thereof the following:

'Sec. 8. 17 MRSA §2264, last ¶, as enacted by PL 1971, c. 405, §1, is repealed and the following enacted in place thereof:

Any conduct in such violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged. In addition thereto, <sup>in</sup> any court in which a forfeiture is adjudged against any person, the judge may direct that person to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of the adjudication.'

Further amend said Bill by striking out all of sections 10 and 11 and inserting in place thereof the following:

'Sec. 10. 17 MRSA §2265, 3rd ¶, as enacted by PL 1971, c. 405, §1, is repealed and the following enacted in place thereof:

Any conduct in violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged. In addition thereto, <sup>in</sup> any court in which

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a forfeiture is adjudged against any person, the judge may direct that person to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of the adjudication.

Sec. 11. 17 MRSA §2266, last ¶, as last repealed and replaced by PL 1973, c. 235, §3, is repealed and the following enacted in place thereof:

Any conduct in violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged. In addition thereto, <sup>in</sup>any court in which a forfeiture is adjudged against any person, the judge may direct that person to pick up and remove from any place any or all litter deposited thereon by anyone prior to the date of the adjudication. '

Further amend said Bill by striking out all of the amending clause of section 12 and inserting in place thereof the following:

'Sec. 12. 17 MRSA §2267, 1st ¶, as enacted by PL 1971, c. 405, §1, is amended to read:

Further amend said Bill by striking out all of the last paragraph of section 12.

Further amend said Bill by inserting after section 12 the following:

'Sec. 12-A. 17 MRSA §2267, 2nd ¶, as enacted by PL 1971, c. 405, §1, is repealed and the following enacted in place thereof:

Any conduct in violation of this section is a civil violation for which a forfeiture of not more than \$100 nor less than \$10 may be adjudged for the first violation and for a 2nd or subsequent violation a forfeiture of not more than \$500 nor less than \$100 may be adjudged.'

Further amend said Bill in section 13 by striking out in the 10th line (8th line in L.D.) the underlined words "State Liquor Commission" and inserting in place thereof the underlined words 'Department of Public Safety'

Further amend said Bill in section 15 by striking out in the 2nd line of that part designated "§2273." the <sup>underlined</sup> word "The" and inserting in place thereof the following 'Within the limits of its budget, the'; and by striking out the <sup>underlined</sup> word "shall" and inserting in place thereof the underlined word 'may'

Further amend said Bill in section 15 by striking out in the first line of the 2nd paragraph of that part designated "§2274." the underlined words "an arrest" and inserting in place thereof the underlined words 'a complaint'; and by striking out at the end of the 2nd paragraph the period and inserting in place thereof the following '; or'; and by striking out in the first line of the 3rd paragraph the underlined words "an arrest" and inserting in place thereof the underlined words 'a complaint'

Further amend said Bill in section 16 by striking out  
 (same in LD)  
 in the 2nd and 3rd lines/of subsection 1 of that part designated  
"§1862." the following "wine, liquor or alcohol as defined by Title  
28, section 2, subsections 1, 13 and 25,"

Further amend said Bill in section 16 by striking out  
 in that part designated "§1862." all of subsections 3, 6, 10, 12,  
 13 and 14.

Further amend said Bill in section 16 by striking out  
 in the last 2 lines of subsection 5 of that part designated  
"§1862." (last 3 lines in L.D.) the following ", including, but not  
limited to, an operator of a vending machine containing beverages  
in beverage containers"

Further amend said Bill in section 16 in that part designated  
"§1862." by renumbering subsections to read consecutively.

Further amend said Bill in section 16 in that part designated  
"§1863." by striking out in the 3rd and 4th lines the following  
"unless a disposal charge has been paid on the container as provided  
in section 1864"; and by striking out in the 7th and 8th lines  
 (6th and 7th in the L.D.) the following "unless the container  
is certified under section 1868, when it shall not be less than 3¢"

Further amend said Bill in section 16 by striking out all  
 of that part designated "1864."

Further amend said Bill in section 16 in that part designated  
"§1866." by striking out in the first line of subsection 1  
 the underlined words "subsections 2 and 3" and inserting in  
 place thereof the underlined word and figure 'subsection 2';  
 and by striking out in the 2nd line the underlined word  
"refundable"

Further amend said Bill in section 16 in that part designated "§1866." by striking out all of subsection 2 and renumbering subsection 3 to be subsection 2.

Further amend said Bill in section 16 in that part designated "§1867." by striking out all of subsection 1 and inserting in place thereof the following:

'1. Permissive refusal by dealer. A dealer may refuse to accept from any consumer or other person not a dealer any beverage container and refuse to pay the refund value of the returned beverage container, but if a dealer accepts from any consumer or other person not a dealer any beverage container, the dealer shall pay in cash the refund value of the returned beverage container as established by section 1863.'

Further amend said Bill in section 16 in that part designated "§1867." by striking out all of subsections 2 and 3.

Further amend said Bill in section 16 in that part designated "§1867." by striking out in the first and 2nd lines of subsection 4 (2nd in L.D.) the following "or local redemption center" ; and by inserting after the underlined words "unbroken and" in the 2nd line the underlined word 'reasonably'; and by striking out in the 4th line the following "or local redemption center"

Further amend said Bill in section 16 in that part designated "§1867." by striking out in the 2nd and 3rd lines of subsection 5 the following "or local redemption center"

Further amend said Bill in section 16 in that part designated "§1867." by renumbering subsections 4 and 5 to be subsections 2 and 3.

Further amend said Bill in section 16 in that part designated "§1867." by adding at the end the following:

'4. Deposit required. A deposit of not less than the refund value established under section 1863 shall be paid by the consumer, or other person, on each beverage container sold to him by a dealer.'

Further amend said Bill in section 16 by striking out all of those parts designated "§1868." and '§1869.'

Further amend said Bill in section 16 in that part designated "§1870." by striking out in the first line of the first paragraph the underlined words "After January 1, 1977, no" and inserting in place thereof the underlined word 'No'; and by striking out in the first line of subsection 2 the underlined word "With" and inserting in place thereof the underlined word 'In'

Further amend said Bill in section 16 by striking out all of that part designated "§1871." and inserting in place thereof the following:

'§1871. Penalties

1. Civil violation. A violation of this chapter by any person shall be 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.'

Further amend said Bill in section 16 by striking out all of that part designated "§1872."

Further amend said Bill in section 16 by renumbering those parts designated "§1865." to "§1867." to be '§1864.' to '§1866.'; and "§1870." and "§1871." to be '§1867.' and '§1868.'

Further amend said Bill by striking out all of section 17.

Further amend said Bill by striking out all of the first line of the Referendum and inserting in place thereof the following:

'Referendum; effective date. Sections 1 to 15 of this Act shall take effect 90 days after adjournment of the Legislature.

Section 16 of this Act shall take effect 90 days after the'

Further amend said Bill by striking out all of the 3rd paragraph of the referendum and inserting in place thereof the following:

'"Shall section 16 of 'AN ACT to Improve Solid Waste Management,' which section requires returnable beverage containers, as passed by the First Special Session of the 107th Legislature, become law?"'

Further amend said Bill by striking out in the 9th to 11th lines of the next to the last paragraph (9th and 10th in LD) before the fiscal note, all of the remaining words and punctuation after the following words: "are in favor of" and inserting in place thereof the following: 'section 16 of said Act, the Governor shall forthwith make known the fact by his proclamation and section 16 of the Act shall become effective January 1, 1978.'

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Statement of Fact

This amendment removes the taxing provisions of the bill and redrafts the returnable container provisions of the bill to create a substantially different approach to litter and solid waste management than has been previously presented to the 107th Legislature.

*Samuel W. Collins, Jr.*  
(Collins)

NAME:

COUNTY: Knox

Reproduced and distributed pursuant to Senate Rule 11-A.

March 29, 1976.

(Filing No. S-484).