

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
FIRST SPECIAL SESSION (Filing No. H-1093)  
107TH LEGISLATURE

HOUSE AMENDMENT " B " to H.P. 2225, L.D. 2315, Bill,  
"AN ACT to Strengthen Litter Laws and Improve Solid Waste  
Management in this State."

Amend said Bill by inserting at the end before the  
"Referendum; effective date." the following:

'Sec. 15. 32 MRSA c. 77 is enacted to read:

CHAPTER 77

NEWSPAPER LITTER CONTROL

§5201. Definitions

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

1. Consumer. "Consumer" means every person who purchases  
a newspaper.

2. Dealer. "Dealer" means every person in this State  
who engages in the sale of newspapers or a redemption center  
certified under section 5206.

3. Department. "Department" means the Department of  
Environmental Protection.

4. Department of Sanitation. "Department of sanitation"  
means the municipal agency charged with responsibility for  
sanitation, trash disposal and landfill operations in the county  
where the publisher's place of business is located.

5. Distributor. "Distributor" means every person who engages in the sale of newspapers.

6. Newspaper. "Newspaper" means any daily publication printed on newsprint with a page size greater than 200 square inches and an average of more than 36 pages per day for any week of publication.

7. Place of business. "Place of business" means the location at which a dealer, publisher or distributor sells or offers for sale newspapers.

8. Publisher. "Publisher" means the person who produces a newspaper.

§5202. Refund amount

1. Appropriate refund for newspaper. For the purpose of determining the appropriate refund that is applicable under subsection 3, a newspaper shall be deemed to consist of at least 3/4 of the total pages produced for a particular edition, including advertising inserts distributed as a part of that edition.

2. Appropriate refund for partial newspaper. A partial newspaper shall consist of less than 3/4 of the pages produced for a particular edition, including advertising inserts distributed as a part of that edition, but shall include at least 1/4 of the pages comprising that edition.

3. Refund value for newspaper. Except as provided in subsections 2 and 4, every newspaper sold or offered for sale shall have a refund value of not less than 5¢.

4. Refund value for partial newspaper. Every partial newspaper as provided in subsection 2 shall have a refund value of not less than 2¢.

§5203. Requirement

No publisher of a newspaper shall refuse to accept from a consumer any newspaper sold by itself, its dealers or distributors or refuse to pay to the consumer the refund value as established by section 5202.

§5204. Indication of refund value required

Every newspaper sold or offered for sale in this State shall clearly indicate by printing, label or other clearly visible means the refund value of the newspaper.

§5205. Newspaper Litter Control Fund of Environmental Protection

1. Fund established. The ~~department~~/shall establish a Newspaper Litter Control Fund.

2. Payment into fund. A deposit of 5¢ per newspaper shall be required from each publisher, payable on a monthly basis to the Newspaper Litter Control Fund, covering the total number of copies of newspapers distributed in Maine during the preceding month.

3. Refund to publisher. Upon the submission by a redemption center of valid redemption coupons as provided in section 5207, the Newspaper Litter Control Fund shall refund to the publisher an amount equal to refunds covered by properly executed redemption coupons.

4. Reimbursement of redemption center. A redemption center may apply once a month to the Newspaper Litter Control Fund for reimbursement in an amount equal to the reimbursements the redemption center has made to consumers during the preceding month.

5. Reports. The department shall develop such reporting forms and systems as may be required in the administration of this section.

6. Escheat of unrefunded deposits. Deposits to the Newspaper Litter Control Fund that are not refunded to the depositing publisher within one year shall escheat to the Department of Sanitation of the municipality in which the publisher's place of business is located.

§5206. Redemption centers

1. Established. To promote the recycling of reusable newsprint and to facilitate the return of newspapers to publishers, each publisher shall be required to establish a redemption center, subject to approval of the department, at which consumers may return used newspapers and receive payment of the refund value as provided in section 5202.

2. Application. Application for approval of a redemption center shall be filed with the department. The application shall state the name and address of the publisher responsible for the establishment and operation of the redemption center and also the names and addresses of all dealers and distributors who distribute newspapers subject to redemption under this chapter. The application shall include such additional information as the department may require.

3. Department approval. The department shall approve a redemption center if it finds the redemption center will provide a convenient service to consumers. The order of the department approving a redemption center shall list the names of all newspapers which the redemption center must accept. The order may contain such other provisions to insure the redemption center will provide a convenient service to the public as the department may determine.

4. Review of approval. The department may review at any time approval of a redemption center. After written notice to the person responsible for the establishment and operation of the redemption center and to the dealers served by the redemption center, the department may, after hearing, withdraw approval of a redemption center if the department finds there has not been compliance with its order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

§5207. Redemption coupons and certificates

1. Redemption coupons required. Each redemption center shall provide redemption coupons with space for the signature and address of the consumer who submits newspapers for refund, the number of newspapers and partial newspapers returned by the consumer and accepted by the redemption center and the amount of the refund made by the redemption center to the consumer. The coupon shall also provide such other information as the department may require.

2. Copies of redemption coupons. A copy of the redemption coupon shall be filled out in triplicate by the redemption center and signed by the consumer as a receipt for each refund. One coupon may include any number of newspapers. One copy of the redemption coupon shall be given to the consumer as a record of the transaction, one copy shall be retained by the redemption center as a refund receipt and one copy may be submitted to the Newspaper Litter Control Fund for refund to the redemption center as provided in section 5205.

§5208. Rules

The department shall issue rules and regulations to enforce this chapter.

§5209. Penalty

Any person who violates sections 5202, 5203, 5204 or 5205 ←—————→ shall be fined not more than \$500 for each offense, each day of violation constituting a separate offense.'

Statement of Fact

This amendment establishes a deposit for each daily newspaper distributed in the State, which shall be paid into a Department of Environmental Protection administered fund by the publisher of that newspaper for each newspaper returned by the public to redemption centers established by that publisher, ~~the~~ refund value shall be paid back to the publisher.

This amendment will thus reduce litter caused by newspapers and will encourage the recycling of useable newsprint. There will be a strong incentive on daily newspaper publishers to encourage recycling of their newspapers.

Filed by Mr. Dam of Skowhegan.

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of the House.  
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