

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-572)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 623, L.D. 765, Bill,
"AN ACT Relating to Determination of Refund Values on
Beverage Containers."

Amend the Bill by inserting before the enacting clause
the following:

'Emergency preamble. Whereas, Acts of the Legislature
do not become effective until 90 days after adjournment
unless enacted as emergencies; and

Whereas, the present language of the bottle law authorizes
manufacturers to determine the deposit and refund value on
nonrefillable beverage containers; and

Whereas, that language promotes the establishment of
recycling centers by manufacturers instead of by distributors;
and

Whereas, the advantage given to manufacturers substantially
increases the likelihood that recycling centers will be
established outside of the State of Maine; and

Whereas, the establishment of the out-of-state recycling
centers has occurred under similar provisions of the Michigan
bottle law; and

Whereas, the Legislature has information that centers are
likely to be established in the very near future outside of
Maine to recycle bottles sold in Maine; and

Whereas, the establishment of the out-of-state recycling centers would create a serious hardship for the people of Maine in that it would result in a significant loss of jobs and revenue for the people of Maine; and

Whereas, it is necessary to proceed immediately to rectify a law which promotes the loss of jobs and revenue for Maine people; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the Bill by striking out everything after the enacting clause and inserting in its place the followi

'Sec. 1. 32 MRSA §1862, sub-§9-A is enacted to read:

9-A. Nonrefillable. "Nonrefillable" means a beverage container which, after being used by a consumer, is not to be reused as a beverage container by a manufacturer.

Sec. 2. 32 MRSA §1862, sub-§12-A is enacted to read:

12-A. Refillable. "Refillable" means a beverage container which, after being used by a consumer, is to be reused as a beverage container at least 5 times by a manufacturer.

Sec. 3. 32 MRSA §1863, as enacted by PL 1975, c. 739, §16, is amended to read:

§1863. Refund value

Every beverage container sold or offered for sale to a consumer in this State shall have a refund value. The For nonrefillable beverage containers, the deposit and the refund

value shall be determined ~~by the manufacturer~~ and initiated by the distributor according to the type, kind and size of the beverage container, but shall not be less than 5¢. The refund value on refillable beverage containers shall be determined by the manufacturer according to the type, kind and size of the beverage container but shall not be less than 5¢.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.'

Statement of Fact

This amendment adds an emergency preamble and emergency clause to the bill. It also adds certain definitions and seeks to encourage and develop Maine's economy by controlling a manufacturer's ability to set up redemption centers outside the State.

Reported by the Committee on Business Legislation
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