

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 793

H. P. 639

House of Representatives, February 27, 1979

Referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Soulas of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Amend Returnable Beverage Container Statutes to Require Distributor Operation of Redemption Centers and to Require Refillable Containers.

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

Sec. 1. 32 MRSA § 1861, sub-§ 2, as enacted by PL 1975, c. 739, § 16, is amended to read:

2. Intent. It is the intent of the Legislature to create incentives for the manufacturers, distributors, dealers and consumers of beverage containers to reuse ~~or recycle~~ beverage containers thereby removing the blight on the landscape caused by the disposal of these containers on the highways and lands of the State and reducing the increasing costs of litter collection and municipal solid waste disposal.

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

12-A. Refillable. "Refillable" means a beverage container which can be refilled at least 5 times.

Sec. 3. 32 MRSA § 1867, sub-§ 1, as enacted by PL 1975, c. 739, § 16, is amended to read:

1. Establishment. Local redemption centers may be established and operated

by any ~~person~~ **distributor**, subject to the approval of the commissioner, to serve local dealers and consumers, at which consumers may return empty beverage containers as provided under section 1866. **More than one distributor may cooperate in establishing a redemption center, but their application under subsection 2 shall set forth, to the satisfaction of the commissioner, the arrangement of responsibilities among the applying distributors for establishing, maintaining and financing the redemption center.**

Sec. 4. 32 MRSA § 1867, sub-§ 2, as enacted by PL 1975, c. 739, § 16, is further amended to read:

2. Application for approval. Application for approval of a local redemption center shall be filed with the department. The application shall state the name and address of the ~~person~~ **distributor** responsible for the establishment and operation of the center, the kinds, sizes and brand names of beverage containers which will be accepted and the names and addresses of dealers to be served and their distances from the local redemption center.

Sec. 5. 32 MRSA § 1868, sub-§ 3 is enacted to read:

3. Refillable. Which has not been approved as refillable by the Commissioner of Agriculture. This subsection shall not apply to beverages in glass beverage containers imported from outside the United States.

STATEMENT OF FACT

The present returnable beverage container statute is, on the whole, working well, and has significantly reduced litter along the state's roads and highways. There are problems, however, with 2 aspects of the system: The return of these containers and their disposal on the municipal dump.

In many areas, a consumer cannot return bottles and cans to the dealer from whom he purchased them because a redemption center has been set up to take the containers sold by that dealer. The redemption center, however, because of the constant delays it experiences in getting reimbursed for its handling charges from the distributor, is often badly under-financed, and has difficulty providing good, consistent services to consumers. As a result, the consumer, frustrated in his dealings with the redemption center, leaves his bottles and cans at home. The containers are off the streets, but the consumer is stuck with them, or is forced to discard them in the trash.

If he discards them, he adds to the solid waste which his municipality must deal with. In addition, the municipality is also forced to dispose of unrefillable containers which distributors discard, instead of recycling.

This bill attempts to solve these problems in 2 ways:

First, it provides that redemption centers must be operated by distributors. This operation will solve the problem of under-financing and slow payment, as the

distributor is well capitalized and will be sure to promptly reimburse his own operation. Thus, redemption centers will provide the service they were intended to provide; and

Second, it provides that returnable beverage containers must be refillable, which will eliminate distributors throwing their containers on the municipal dump. Refillable containers are too valuable to throw away; distributors will ensure that they are reused as often as possible.

This bill therefore provides a simple, easily enforceable solution to the problems of redemption centers and of returnable beverage containers which are not reused.