

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 993

H. P. 781

House of Representatives, March 5, 1979

On Motion of Mr. Howe of South Portland, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Higgins of Scarborough.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Recycling and Conservation Use of Unredeemed Refunds on Beverage Containers.

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

Sec. 1. 32 MRSA § 1866, sub-§§ 5,6,7 and 8 are enacted to read:

5. Fund established. There is established in the Department of Agriculture an Unredeemed Refund Value Fund.

6. Payment into the Unredeemed Refund Value Fund. Distributors, except those exempt under subsection 7, shall pay to the Unredeemed Refund Value Fund 80% of the excess of the amount of refund values paid to distributors by dealers over the amount of refund values reimbursed to dealers or local redemption centers upon distributor acceptance of beverage containers. Distributors shall account and pay over quarterly to the commissioner the amount determined under this subsection.

7. Exemption. Distributors who sell beverages in containers which they refill in the ordinary course of business, reuse or recycle for the same or other purposes, or transfer to a resource recovery operator to reuse or recycle shall be exempt from subsection 6. The commissioner shall certify distributors who qualify for the exemption under this subsection.

8. Disbursement from the Unredeemed Refund Value Fund. The commissioner shall disburse the proceeds of the Unredeemed Refund Value Fund quarterly to further the purposes of this chapter. The proceeds of the fund shall be allocated as follows: 2% or \$5,000, whichever is less to cover the cost of administering this subsection, to the Board of Environmental Protection; 50% of the remainder to the Municipal Resource Recovery Fund as established by Title 38, section 1304, subsection 6; and 50% of the remainder to the Municipal Recreation Fund as established by Title 12, section 602, subsection 14.

Sec. 2. 38 MRSA § 362, as last amended by PL 1975, c. 771, § 420, is further amended by adding at the end the following new paragraph:

The board may receive and disburse funds from the Municipal Resource Recovery Fund and administer them in accordance with section 1304, subsection 6. The Treasurer of State shall receive the funds and the State Controller shall authorize expenditures therefrom as approved by the board.

Sec. 3. 38 MRSA § 1304, sub-§ 6 is enacted to read:

6. Municipal Resource Recovery Fund. There is established a Municipal Resource Recovery Fund to receive funds from the Unredeemed Refund Value Fund, as created by Title 32, section 1866, subsection 6.

Any municipality, county or regional refuse disposal district may apply for grants-in-aid to plan, implement or operate facilities for the recovery of energy from solid waste, or reuse, recycling, or collection, preparation, transportation or sale of solid waste.

The board shall receive and review applications and shall approve those applications that effectively and efficiently meet the solid waste disposal problems of the area by encouraging well planned and economically viable recycling, reuse or resource recovery programs.

The board shall enter into an agreement for implementation of an approved application and for reimbursement for the cost of approved activities. The reimbursement shall not exceed 90% of the actual cost of the activities. No municipality, county or regional refuse disposal district shall receive more than one grant in any one year. All applications for the grants shall be received by the department by October 31st of the calendar year prior to the date of implementation of the program, and applications shall be disapproved or approved and the agreement entered into by December 31st of the year prior to the date of implementation of the program.

STATEMENT OF FACT

This bill provides that unredeemed refund values or "lost deposits" will be contributed to a fund and returned to the people of the State of Maine. The amount of lost deposits is estimated at between 2.5 and 5 million dollars a year. The proceeds of the fund will be allocated as follows: 2% or \$5,000, whichever is less to

cover the cost of administering the Unredeemed Refund Value Fund, to the Board of Environmental Protection; 50% of the remainder to the Municipal Resource Recovery Fund; and 50% of the remainder to the Municipal Recreation fund. Distributors who sell refillable containers or who currently recycle beverage containers will be exempt from this bill.