

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2103

7
8 H.P. 1492

House of Representatives, February 28, 1986

9 Reported by Representative Brannigan from the Committee on Business
10 and Commerce. Sent up for concurrence and ordered printed. Approved by
the Legislative Council on June 18, 1985.

11 EDWIN H. PERT, Clerk

Reported from the Joint Standing Committee on Business and Commerce
under Joint Rule 19.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT Relating to Handling Fees and
19 Unredeemed Deposits in the Returnable
20 Container Law.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

25 Whereas, no increase in the handling fee has been
26 granted since 1980; and

27 Whereas, a hearing needs to be held before Janu-
28 ary 1, 1987, to determine the need for an increase in
29 the handling fee; and

30 Whereas, in the judgment of the Legislature,
31 these facts create an emergency within the meaning of
32 the Constitution of Maine and require the following
33 legislation as immediately necessary for the preser-
34 vation of the public peace, health and safety; now,
35 therefore,

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

3 Sec. 1. 32 MRSA §1866, sub-§4, as amended by PL
4 1979, c. 735, is further amended to to read:

5 4. Reimbursement by distributor. In addition to
6 the payment of the refund value, the distributor
7 shall reimburse the dealer or local redemption center
8 for the cost of handling beverage containers, in an
9 amount which equals at least 2¢ per returned contain-
10 er. The commissioner may set a handling fee at an
11 amount in excess of 2¢ as authorized in section 1872.

12 Sec. 2. 32 MRSA §§1872 and 1873 are enacted to
13 read:

14 §1872. Handling fees

15 The commissioner shall apply yearly increases in
16 the consumer price index to the handling fee, in July
17 of the year this section is enacted and thereafter in
18 January of each year, to determine whether an in-
19 crease in the handling fee is needed. No increase may
20 be granted in increments of less than 1/4¢.

21 §1873. Unredeemed deposits

22 The commissioner shall report the estimated
23 amount of unredeemed deposits to the joint standing
24 committee of the Legislature having jurisdiction over
25 business and commerce yearly.

26 Emergency clause. In view of the emergency cited
27 in the preamble, this Act shall take effect when ap-
28 proved.

1

STATEMENT OF FACT

2 This bill gives the Department of Agriculture,
3 Food and Rural Resources the authority to set the
4 handling fee by applying increases in the consumer
5 price index to the handling fee once a year. No in-
6 crease would be added in increments of less than
7 1/4¢. Currently, the handling fee, which is now 2¢,
8 is set by legislative action only. There is no stan-
9 dard currently in the law which is used in determi-
10 ning what the handling fee should be. The Department
11 of Agriculture, Food and Rural Resources is the de-
12 partment designated in the law to administer the
13 "Bottle Bill."

14 The bill also charges the Department of Agricul-
15 ture, Food and Rural Resources with the responsibili-
16 ty of reporting back yearly to the joint standing
17 committee of the Legislature having jurisdiction over
18 business and commerce an estimate of the amount of
19 unclaimed deposits retained by distributors. The pur-
20 pose of the Maine Revised Statutes, Title 32, section
21 1873, is to help the Legislature determine whether
22 distributors are receiving a windfall profit from de-
23 posits on containers which are never claimed.

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