

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 106, L.D. 143, Bill, "An Act Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers"

Amend the bill in section 1 in that part designated "§13851." in subsection 2 in the 2nd line (page 1, line 21 in L.D.) by striking out the following: ", egg basket, poultry box, laundry cart"

Further amend the bill in section 1 in that part designated "§13851." by striking out all of subsections 4, 5 and 8.

Further amend the bill in section 1 in that part designated "§13851." by renumbering the subsections to read consecutively.

Further amend the bill in section 1 in that part designated "§13853." in subsection 1 by striking out the first 6 lines (page 2, lines 20 to 25 in L.D.) and inserting in their place the following:

'1. Removal, use or possession. No person, organization or association may, without consent of the owner and with the intent to deprive the owner of possession of a container, remove a container from the premises or parking lot of the owner or a customer of the owner or possess or use a container that has been so removed, if:'

Further amend the bill in section 1 in that part designated "§13853." in subsection 2 in the first line (page 2, line 38 in L.D.) by inserting after the following: "person" the following: ', organization or association'

Further amend the bill in section 1 in that part designated "§13853." by striking out all of subsections 3 and 4 and inserting in their place the following:

1 '3. Presumptions. Any person, organization or association
2 which is in possession of a container with a name or mark affixed
3 on the container and registered as provided in this section shall
4 be presumed to possess the container without the owner's consent
5 with the intent to deprive the owner of possession of the
6 container.'

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8 Further amend the bill by inserting after section 1 the
9 following:

11 'Sec. 2. Appropriation. The following funds are appropriated
12 from the General Fund to carry out the purposes of this Act.

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**SECRETARY OF STATE,
DEPARTMENT OF THE**

1989-90

All Other \$1,500

Provides funds for costs incurred to meet the advertising requirements of the Maine Administrative Procedure Act, Maine Revised Statutes, Title 5, chapter 375, print registration forms and other related administrative costs.'

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting before the statement of fact the following:

FISCAL NOTE

As provided for in this bill, the Department of the Secretary of State would charge registration fees to cover the cost of this program, resulting in an increase of revenue to the General Fund of \$1,500 in fiscal year 1989-90.'

STATEMENT OF FACT

This amendment eliminates egg baskets, laundry carts and poultry boxes from the provisions of the bill. It extends the provisions to cover any misuse of the containers, not merely

COMMITTEE AMENDMENT "A" to H.P. 106, L.D. 143

1 commercial misuse. It adds the provision that possession of
these containers shall create the presumption that they are
3 possessed in violation of the provisions of the bill. It
eliminates the civil penalty established in the bill.

Reported by the Committee on Business Legislation
Reproduced and distributed under the direction of the Clerk of the
House
5/25/89

(Filing No. H-292)