

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 143

H.P. 106

House of Representatives, February 14, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative COTE of Auburn.

Cosponsored by Representative ALIBERTI of Lewiston, Representative WHITCOMB of Waldo and Senator WHITMORE of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act Concerning Pilferage of Shopping Carts and Bakery and Milk
Product Containers.**



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

3 Sec. 1. 32 MRSA c. 119 is enacted to read:

5 CHAPTER 119

7 REGISTRATION FOR SHOPPING CARTS AND
9 CONTAINERS FOR BAKERY, DAIRY AND OTHER PRODUCTS

11 §13851. Definitions

13 As used in this chapter, unless the context otherwise
15 indicates, the following terms have the following meanings.

17 1. Bakery basket. "Bakery basket" means a wire or plastic
19 container which holds bread or other baked goods and is used by a
21 distributor or retailer as a means to transport, store or carry
23 bakery products.

25 2. Container. "Container" means a bakery basket, dairy
27 case, egg basket, poultry box, laundry cart or shopping cart.

29 3. Dairy case. "Dairy case" means a wire or plastic
31 container which holds 16 quarts or more of beverage and is used
33 by distributors or retailers as a means to transport, store or
35 carry dairy products.

37 4. Egg basket. "Egg basket" means any permanent type of
39 container which contains 4 dozen or more shell eggs and is used
41 by distributors or retailers as a means to transport, store or
43 carry eggs.

45 5. Laundry cart. "Laundry cart" means a basket which is
47 mounted on wheels and used in a coin-operated laundry or
49 dry-cleaning establishment by a customer or an attendant for the
51 purpose of transporting laundry and laundry supplies.

6. Name or mark. "Name or mark" means any permanently
affixed or permanently stamped name or mark which has been
registered with the Secretary of State and is used for the
purpose of identifying the owner of shopping carts, laundry
carts, dairy cases, egg baskets, poultry boxes, baking trays or
bakery baskets.

7. Parking area. "Parking area" means a lot or other
property provided by a retail establishment for the use of
customers to park vehicles while doing business in that
establishment.

8. Poultry box. "Poultry box" means any permanent type of
container which is used by processors, distributors, retailers or

1 food service establishments as a means to transport, store or
2 carry poultry.

3
4 9. Shopping cart. "Shopping cart" means a basket which is
5 mounted on wheels, or a similar device generally used in a retail
6 establishment by a customer for the purpose of transporting goods
7 of any kind.

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9 §13852. Name or mark; registration

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11 An owner of containers may adopt a name or mark to be
12 permanently affixed to those containers. The Secretary of State
13 shall, pursuant to Title 5, chapter 375, adopt rules regulating
14 the adoption, use and registration of a name or mark on
15 containers and may charge registration fees to cover the cost of
16 this program.

17
18 §13853. Prohibitions

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20 1. Removal or possession. No person may, without consent
21 and with the intent to deprive the owner of possession of a
22 container, remove a container from the premises or parking lot of
23 any retail establishment for any commercial use not approved by
24 the owner or possess a container that has been removed from the
25 premises or parking area of a retail establishment if:

26
27 A. The container has the name or mark of the owner
28 prominently displayed and permanently affixed to it that
29 identifies the owner of the container;

30
31 B. The name or mark contains a notification that
32 unauthorized removal or possession of the container is a
33 violation of law; and

34
35 C. The name or mark lists a telephone number or address for
36 returning the container to the owner.

37
38 2. Defacement. No person may alter, deface, cover or
39 remove a name or mark on a container or possess such a container
40 without the consent of the owner.

41
42 3. Storage notice; civil action. If containers left by the
43 owner with a customer are placed in areas where their removal
44 would not be subject to the customer's supervision, the customer
45 shall post a notice which indicates that the containers in that
46 area are private property the unauthorized removal of which is
47 unlawful and subject to prosecution. If a container is removed
48 without authorization of the owner from the premises of a
49 customer who has violated this section, the owner may bring a
50 civil action against the customer for the cost of that container.

51
52 4. Civil penalty. Any person who violates this section
53 commits a civil violation for which a forfeiture not to exceed

1 \$100 may be adjudged. Each violation constitutes a separate
2 violation.

3

4 **Sec. 2. Effective date.** This Act shall take effect on January
5 1, 1990.

6

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8 STATEMENT OF FACT

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11 The purpose of this bill is to establish a method for the
12 registration of particular names or markings on shopping carts,
13 milk cases, bakery baskets and trays and egg baskets and to enact
provisions to thwart the misuse and theft of these containers.