

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2110

H.P. 1525

House of Representatives, January 5, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GOULD of Greenville.

Cosponsored by Representative FOSS of Yarmouth, Senator BUSTIN of Kennebec and Representative HOGLUND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Modify the Solid Waste Law as it Applies to Aseptic Packaging.



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

2 Sec. 1. 32 MRSA §1862, sub-§2, as amended by PL 1989, c. 585,
4 Pt. D, §§4 and 11, is further amended to read:

6 2. **Beverage container.** "Beverage container" means a
8 bottle, can, jar or other container made of glass, metal or
10 plastic or aseptic packaging which has been sealed by a
 manufacturer and which, at the time of sale, contains one gallon
 or less of a beverage.

12 Sec. 2. 32 MRSA §1862, sub-§16 is enacted to read:

14 16. **Aseptic packaging.** "Aseptic packaging" means a
16 container composed of aluminum, paper and plastic in combination,
18 where those materials are for practical reasons inseparable, and
 commonly referred to as a "brick-pack."

20 Sec. 3. 32 MRSA §1868, sub-§1, as amended by PL 1989, c. 585,
 Pt. D, §§8 and 11, is further amended to read:

22 1. **Flip tops.** In a metal container designed or constructed
24 so that part of the container is detachable for the purpose of
 opening the container without the aid of a separate can opener;
26 and

28 Sec. 4. 32 MRSA §1868, sub-§3, as enacted by PL 1989, c. 585,
 Pt. D, §§8 and 11, is amended to read:

30 3. **Plastic cans.** In a container composed of one or more
32 plastics if the basic structure of the container, exclusive of
 the closure device, also includes aluminum or steel;--and .

34 Sec. 5. 32 MRSA §1868, sub-§4, as enacted by PL 1989, c. 585,
36 Pt. D, §§8 and 11, is repealed.

38 Sec. 6. 32 MRSA §1873 is enacted to read:

40 §1873. Certificate of alternative compliance

42 Any manufacturer of beverage containers regulated pursuant
44 to this chapter may apply to the Executive Director of the Maine
46 Waste Management Authority for a certificate of alternative
48 compliance. A manufacturer who has received a certificate of
50 alternative compliance from the Executive Director of the Maine
 Waste Management Authority and upon presentation of the
 certificate to the Department of Agriculture, Food and Rural
 Resources shall be exempt from regulation pursuant to this
 chapter, except for section 1868.

1. Standards for certification. The Executive Director of the Maine Waste Management Authority shall issue a certificate of alternative compliance if the manufacturer:

A. Can demonstrate that the beverage container comprises less than 0.5% of the municipal solid waste generated in the State; and

B. Has undertaken or sponsored programs or projects which, on an annual basis, will reduce the amount of municipal solid waste which is disposed of in a landfill or incinerated by at least 5 times the amount of the beverage container's contribution to the municipal waste system.

Sec. 7. Effective date. This Act shall take effect September 1, 1990.

STATEMENT OF FACT

This bill modifies the current returnable container law by allowing aseptic beverage containers to be regulated by the returnable container law.

The bill also allows the Executive Director of the Maine Waste Management Authority to issue certificates of alternative compliance for beverage containers which represent less than 0.5% of Maine's municipal solid waste stream and when the manufacturers of such containers undertake projects to reduce Maine's municipal solid waste by at least 5 times the amount of the solid waste contributed by those beverage containers.