

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

R of S.

L.D. 256

DATE: 3/4/94

(Filing No. H-798 )

M A J O R I T Y  
ENERGY & NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 193, L.D. 256, Bill, "An Act to Allow the Use of Advanced Lightweight Beverage Containers"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 32 MRSA §1862, sub-§2, as amended by PL 1993, c. 72, §1, is further amended to read:

2. Beverage container. "Beverage container" means a bottle, can, jar or other container made of glass, metal or plastic that has been sealed by a manufacturer and at the time of sale contains 4 liters or less of a beverage. This term does not include a container composed, in whole or in part, of aluminum and plastic or aluminum and paper in combination as long as the aluminum content represents 10% or less of the unfilled container weight, the container materials represent 5% or less of the total weight of the container and its contents, and the container is filled with a nonalcoholic beverage.

Sec. 2. 32 MRSA §1868, as amended by PL 1991, c. 304, §3, is further amended to read:

§1868. Prohibition on certain types of containers and holders

No A beverage may not be sold or offered for sale to consumers in this State:

1. Flip tops. In a metal container designed or constructed so that part of the container is detachable for the purpose of

COMMITTEE AMENDMENT

R & S.

COMMITTEE AMENDMENT "B" to H.P. 193, L.D. 256

opening the container without the aid of a separate can opener, except that nothing in this subsection prohibits the sale of a container, the only detachable part of which is a piece of adhesive-backed tape; and

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

~~4. **Aseptic and composite material beverage containers.** In a container composed, in whole or in part, of aluminum and plastic or of aluminum and paper in combination where those materials are for practical reasons inseparable. No milk or dairy derived products in liquid form to which additional flavoring ingredients have been added may be sold in containers prohibited under this subsection.~~

**Sec. 3. State plan; amended.** The Executive Director of the Maine Waste Management Agency shall incorporate a projection of anticipated recycling rates for polycoated paperboard in the State's solid waste management plan under the Maine Revised Statutes, Title 38, section 2123.

**Sec. 4. Report.** By February 1, 1995, the Maine Waste Management Agency shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters detailing the status of activities undertaken pursuant to the agency's service agreement with Tetra-Pak, Inc. Additional information concerning the program described in the agreement may be presented to the committee by any interested party. The committee shall review the report and any additional information. Following the review, the committee may introduce and report out legislation requiring an additional status report by the agency to the committee by January 15, 1996, reestablishing the prohibition on the sale of aseptic beverage packaging 90 days following the adjournment of the Second Regular Session of the 117th Legislature, or requiring both the report and the prohibition.

**Sec. 5. Effective date.** Sections 1 and 2 of this Act take effect on September 1, 1994.

**FISCAL NOTE**

**REVENUES**

Other Funds (\$6,536)

The exemption of certain beverage containers from bottle deposit requirements will reduce unclaimed deposit collections as

R.S.

COMMITTEE AMENDMENT "B" to H.P. 193, L.D. 256

2 revenues to the Maine Solid Waste Management Fund. The estimated  
3 reductions of dedicated revenue are \$6,536 in fiscal year 1994-95  
4 and \$7,875 in each future fiscal year. As its proportional share  
5 of dedicated revenues from the fund, the Maine Waste Management  
6 Agency will experience a reduction of \$4,706 in dedicated revenue  
7 in fiscal year 1994-95, the Department of Environmental  
8 Protection will experience a reduction of \$1,830 and both  
9 agencies will experience slightly higher proportional reductions  
10 in future fiscal years.

11 The Maine Waste Management Agency will incur some minor  
12 additional costs to revise the state's solid waste management  
13 plan and to submit a required legislative report. These costs  
14 can be absorbed within the agency's existing budgeted resources.'

16 **STATEMENT OF FACT**

17 This amendment replaces the original bill and is the  
18 majority report of the Joint Standing Committee on Energy and  
19 Natural Resources to allow the sale of aseptic and other  
20 composite beverage packaging in the State. The Maine Waste  
21 Management Agency is directed to evaluate recycling efforts  
22 undertaken by the affected manufacturers and to report on the  
23 results of these efforts to the Legislature. The Joint Standing  
24 Committee on Energy and Natural Resources is authorized to report  
25 out legislation upon review of this report, if needed, to amend  
26 the laws regarding aseptic beverage packaging.  
27

28 This amendment also adds a fiscal note to the bill.  
29  
30