

MAINE STATE LEGISLATURE

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L.D. 256

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DATE: 3/4/94

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M I N O R I T Y
ENERGY & NATURAL RESOURCES

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

COMMITTEE AMENDMENT "C" 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, other than an exempt container, that has been sealed by a manufacturer and at the time of sale contains 4 liters or less of a beverage.

Sec. 2. 32 MRSA §1862, sub-§7-A is enacted to read:

7-A. Exempt container. "Exempt container" means a container made of:

A. Laminated layers of aluminum, plastic and paper when these container materials represent 5% or less of the total weight of the container and its contents; or

B. Flexible, laminated layers of aluminum and plastic when these container materials represent 2.5% or less of the total weight of the container and its contents.

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

COMMITTEE AMENDMENT

RS

§1868. Prohibition on certain types of containers and holders

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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 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 these 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. 4. 32 MRSA §1874 is enacted to read:

§1874. Exempt beverage container provisions

The provisions of this section govern the sale of beverages in exempt containers.

1. **Handling fee.** Effective January 1, 1996, a distributor of beverages sold in exempt containers shall pay a handling fee of 3¢ per container for every exempt container sold in the State. Each distributor shall make payments under this subsection quarterly to the Maine Waste Management Agency for deposit in the Maine Solid Waste Management Fund.

2. **Recycling waiver.** The Executive Director of the Maine Waste Management Agency shall waive the requirements of subsection 1 for a specific category of exempt container for one calendar year if the executive director finds that the category of exempt container has been recycled during the previous calendar year at a rate at least equal to the following levels:

- A. 1995 - 10%;
- B. 1996 - 25%;
- C. 1997 - 40%;

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- D. 1998 - 50%; and
- E. 1999 and after 1999 - 60%.

3. Rulemaking. The Executive Director of the Maine Waste Management Agency shall establish by rule procedures for reporting the sale, recovery and recycling of exempt containers and the payment of handling fees under this section.

4. Report. The Executive Director of the Maine Waste Management Agency shall report annually by January 15th to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the level of recycling of exempt containers and the fee revenues under this section. Any interested party may submit additional information to the committee.

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

If certain recycling goals are not met, beginning on January 1, 1996, a 3 cent handling fee will be required for each exempt container sold in the State. It is estimated that if the conditional handling fee becomes necessary, an additional \$135,000 in revenues will be generated for the Maine Solid Waste Management Fund in fiscal year 1995-96 and an additional \$270,000 for each fiscal year thereafter. In the event that this revenue increase takes place, the Maine Waste Management Agency and the Department of Environmental Protection will receive revenue increases from the fund that are proportional to the current distribution of the fund for that particular fiscal year.

