

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

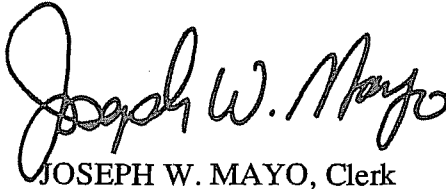
No. 452

H.P. 349

House of Representatives, February 11, 1993

An Act to Amend the Maine Returnable Bottle Bill.

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


JOSEPH W. MAYO, Clerk

Presented by Representative TUFTS of Stockton Springs.
Cosponsored by Representatives: LEMONT of Kittery, MARSHALL of Eliot, MICHAEL of Auburn.

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

2
3 Sec. 1. 32 MRSA §1866, sub-§5, ¶A, as amended by PL 1991, c.
4 819, §8, is further amended to read:

6 A. A distributor that initiates the deposit under section
7 1863-A, subsection 2 or 4 has the obligation to pick up any
8 empty, unbroken and reasonably clean beverage containers of
9 the particular kind, size and brand sold by the distributor
10 from dealers to whom that distributor has sold those
11 beverages and from licensed redemption centers designated to
12 serve those dealers pursuant to an order entered under
13 section 1867. A distributor that, within this State, sells
14 beverages under a particular label exclusively to one
15 dealer, which dealer offers those labeled beverages for sale
16 at retail exclusively at the dealer's establishment, shall
17 pick up any empty, unbroken and reasonably clean beverage
18 containers of the kind, size and brand sold by the
19 distributor to the dealer only from those licensed
20 redemption centers that serve the various establishments of
21 the dealer, under an order entered under section 1867. A
22 dealer that manufactures its own beverages for exclusive
23 sale by that dealer at retail has the obligation of a
24 distributor under this section. ~~The commissioner may
25 establish by rule, in accordance with the Maine
26 Administrative Procedure Act, criteria prescribing the
27 manner in which distributors shall fulfill the obligations
28 imposed by this paragraph. The rules may establish a
29 minimum number or value of containers below which a
30 distributor is not required to respond to a request to pick
31 up empty containers. Any rules promulgated under this
32 paragraph must allocate the burdens associated with the
33 handling, storage and transportation of empty containers to
34 prevent unreasonable financial or other hardship.~~

36 Sec. 2. 32 MRSA §1866, sub-§5, ¶C is enacted to read:

38 C. The commissioner may establish by rule, in accordance
39 with the Maine Administrative Procedure Act, criteria
40 prescribing the manner in which a deposit initiator fulfills
41 the obligations imposed by this subsection. The rules may
42 establish a minimum number of containers below which a
43 deposit initiator is not required to respond to a request to
44 pick up empty containers. The commissioner may not
45 establish by rule a minimum number of beverage containers
46 per pickup at a licensed redemption center that exceeds the
47 average wholesale quantity delivered for retail sale to
48 dealers served by the licensed redemption center or 1,000
49 containers, whichever is less. The licensed redemption
50 center and deposit initiator may negotiate a higher minimum
51 number by mutual agreement. The deposit initiator shall pay
52 the dealer or redemption center all applicable refunds.

2 deposits and handling charges at the time of pickup of the
3 redeemed beverage containers. Any rules adopted under this
4 paragraph must allocate the burdens associated with the
5 handling, storage and transportation of empty containers to
6 prevent unreasonable financial or other hardship.

8 **STATEMENT OF FACT**

10 This bill requires that persons responsible for the pick up
11 of empty beverage containers pay, at the time of pickup, the
12 dealers and local redemption centers all of the refund, deposit
13 and handling charges related to the beverage containers being
14 picked up. In addition, this bill ties the minimum pickup number
15 at licensed redemption centers to the quantities that are
16 delivered to dealers served by the redemption centers.