

# MAINE STATE LEGISLATURE

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**BUSINESS LEGISLATION**

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

COMMITTEE AMENDMENT "A" to H.P. 1343, L.D. 1810, Bill, "An Act to Strengthen the Maine Bottle Deposit Laws"

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 §1866, sub-§§8 and 9** are enacted to read:

**8. Complaints.** A deposit initiator may register a complaint with the department regarding the sale of products by a manufacturer or distributor who fails to comply with the provisions of this chapter. Upon receiving a complaint, the department shall conduct an inquiry to determine if the identified manufacturer or distributor has failed to comply with the provisions of this chapter, including the obligation to pick up empty containers and to provide reimbursement for the handling fee and the deposit.

**9. Application to containers originally sold in the State.** The obligations to accept or take empty beverage containers and to pay the refund value and handling fees for such containers as described in subsections 1, 2, 3, 4 and 5 apply only to containers originally sold in this State as filled beverage containers. A person who, for the purpose of obtaining a refund value or handling fee, tenders to a dealer, distributor, redemption center or bottler more than 10 cases with 24 empty beverage containers in each case that the person knows or has reason to know were not originally sold in this State as filled

**COMMITTEE AMENDMENT**

beverage containers is subject to the enforcement action and civil penalties set forth in this subsection. A person who violates the provisions of this subsection is subject to a civil penalty of the greater of \$100 for each container or \$25,000 for each tender of containers.

Sec. 2. 32 MRSA §1869, sub-§4 is enacted to read:

4. Container pickup. Notwithstanding subsection 1, a person who knowingly violates a provision of section 1866, subsection 5 commits a civil violation for which a forfeiture of \$1,000 may be adjudged.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

AGRICULTURE, FOOD & RURAL RESOURCES,  
DEPARTMENT OF

Public Services - Agriculture

Positions	(0.5)
Personal Services	\$11,469

Provides for the appropriation of funds to authorize one 1/2-time Clerk Typist II position to handle additional duties pertaining to a new complaint and investigation process.

FISCAL NOTE

1994-95

APPROPRIATIONS/ALLOCATIONS

General Fund	\$11,469
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The Department of Agriculture, Food and Rural Resources will require additional General Fund appropriations of \$11,469 annually beginning in fiscal year 1994-95 for one 1/2-time Clerk Typist II position to handle the additional duties associated with the new complaint process.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial

Department. The collection of additional fines may increase  
General Fund revenue by minor amounts.'

**STATEMENT OF FACT**

The original bill requires manufacturers of beverage products to register with the State and identify who will initiate the deposit and collect the empty containers. The bill also increases penalties to \$100 for each container and \$25,000 for each tender of containers for those who knowingly return empty containers not originally sold in the State.

This amendment removes the registration provision of the bill and substitutes a complaint procedure through the Department of Agriculture, Food and Rural Resources. It also increases to \$1,000 the penalty for persons who fail to fulfill their statutory obligation to pick up beverage containers.

The amendment also adds an appropriation section and a fiscal note to the bill.