

MAINE STATE LEGISLATURE

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DATE: 6/12/95

(Filing No. H-450)

BUSINESS AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 956, L.D. 1345, Bill, "An Act to Amend the Returnable Beverage Container Laws"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Require a Review of the Beverage Container Deposit Laws'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, since the addition of many items to Maine's beverage container deposit laws in 1989, the Legislature each year considers many bills concerning the functioning of these laws; and

Whereas, it is felt to be desirable to take the time necessary to have a comprehensive review of these laws; and

Whereas, the issues to be considered are so numerous and controversial that it will not be possible to resolve them by the next regular session of the Legislature unless this review is authorized on an emergency basis; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately

COMMITTEE AMENDMENT

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necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Creation and charge. Resolved: That the Task Force to Review the Beverage Container Deposit Laws, referred to in this resolve as the "task force," is established. The task force is charged to review all aspects of the beverage container deposit laws and to report to the Legislature; and be it further

Sec. 2. Membership. Resolved: That the task force consists of 6 members as follows:

1. Two members of the Joint Standing Committee on Business and Economic Development and 2 members of the Joint Standing Committee on Natural Resources, chosen jointly by the President of the Senate and the Speaker of the House so that both houses of the Legislature are represented;

2. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designated representative; and

3. The Director of the State Planning Office or the director's designated representative.

All appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The Executive Director of the Legislative Council shall contact those authorities who have not made their appointments as of the required date; and be it further

Sec. 3. Convening. Resolved: That the Chair of the Legislative Council shall call the task force together for its first meeting no later than 15 days after adjournment of the First Regular Session of the 117th Legislature. If the first meeting is not called within the assigned time, the Governor shall call the first meeting for a date no later than 10 days after the initially required date. It is not necessary for all members to be appointed in order for the task force to meet. A quorum consists of a majority of those appointed; and be it further

Sec. 4. Chair. Resolved: That the senior appointed Legislator in legislative experience shall act as chair of the first meeting. The task force shall select a permanent chair from among the legislative members at the conclusion of the first meeting; and be it further

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2 **Sec. 5. Study subject. Resolved:** That the task force shall
3 study the beverage container deposit laws with the purpose of
4 recommending to the Legislature how those laws might be amended
5 to improve the program for all interested parties. In conducting
6 its work, the task force shall study, but is not limited to, the
7 following issues:

- 8 1. Changes in the minimum container deposit value;
- 10 2. The impact of the returnable container law on municipal
11 solid waste and the corresponding costs of the returnable
12 container laws;
- 14 3. The status of municipal recycling for materials
15 currently covered by the returnable container laws;
- 16 4. The extent of fraudulent redemption and misredemption of
17 beverage containers;
- 20 5. The need for additional licensure and regulation of
21 redemption centers operating in the State;
- 22 6. Beverage container sorting and pickup requirements for
23 redemption centers, distributors and 3rd-party agents; and
- 26 7. Enforcement, including the responsible agency and
27 penalties.

28 In examining these issues, the task force may hold 5
29 meetings, including the initial organizational meeting. The task
30 force shall hold its last meeting no later than October 15, 1995;
31 and be it further

34 **Sec. 6. Staffing. Resolved:** That, at the task force's request,
35 the Legislative Council shall provide staffing assistance if the
36 task force has met the deadline for convening and agrees to meet
37 the deadline for its final report; and be it further

38 **Sec. 7. Compensation. Resolved:** That the legislative members
39 of the task force are entitled to per diem and expenses. Other
40 members are not entitled to compensation; and be it further

42 **Sec. 8. Report. Resolved:** That, no later than November 15,
43 1995, the task force shall submit a written report together with
44 any recommended legislation to the Joint Standing Committee on
45 Business and Economic Development with a copy to the Executive
46 Director of the Legislative Council and the Law and Legislative
47 Reference Library. The task force shall make an oral report to
48 the Joint Standing Committee on Business and Economic Development

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no later than January 30, 1996. The Joint Standing Committee on Business and Economic Development is authorized to report out any legislation during the Second Regular Session of the 117th Legislature concerning the findings and recommendations of the task force.

The task force may take additional time to complete its study beyond the dates specified in this section if necessitated by a failure of the task force to hold its first meeting on the date specified in this resolve; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1995-96

LEGISLATURE

Task Force to Review the Beverage Container Deposit Laws

Personal Services	\$1,320
All Other	1,700
TOTAL	\$3,020

Provides funds for the per diem and expenses of legislative members and miscellaneous costs of the Task Force to Review the Beverage Container Deposit Laws.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1995-96

APPROPRIATIONS/ALLOCATIONS

General Fund	\$3,020
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This resolve includes a General Fund appropriation of \$3,020 in fiscal year 1995-96 for the Legislature for the per diem and

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2 expenses of legislative members and miscellaneous costs of the
Task Force to Review the Beverage Container Deposit Laws.

4 The Department of Labor and the State Planning Office will
6 incur some minor additional costs to participate as members of
the task force. These costs can be absorbed within the agencies'
8 existing budgeted resources.'

10 **STATEMENT OF FACT**

12 The original bill created a category of 3rd-party pickup
14 agents in the laws regulating returnable beverage containers and
dealt with responsibilities for pickup and sorting of containers.

16 This amendment deletes the bill and instead requires a task
18 force to study the problems that the expansion of the beverage
container laws has appeared to create in the implementation of
20 these laws.