



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1345

H.P. 956

House of Representatives, April 18, 1995

An Act to Amend the Returnable Beverage Container Laws.

Received by the Clerk of the House on April 13, 1995. Referred to the Committee on Business and Economic Development and ordered printed pursuant to Joint Rule 14.

GOSEPH W. MAYO, Clerk

Presented by Representative CARLETON of Wells.

Be it enacted by the People of the State of Maine as follows: 2 Sec. 1. 32 MRSA §1862, sub-§12-E is enacted to read: 4 12-E. Third-party pickup agent. "Third-party pickup agent" 6 means a person who contracts with distributors or manufacturers of juice or water to pick up the manufacturers' or distributors' 8 empty containers at redemption centers and account for and deliver those containers to a recycling center. 10 Sec. 2. 32 MRSA §1866, sub-§3, as amended by PL 1991, c. 819, \S_6 , is further amended to read: 12 14 Distributor acceptance. A distributor or the 3rd-party 3. pickup agent of the distributor may not refuse to accept from any 16 dealer or local redemption center any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by the distributor or refuse to pay to the dealer or local 18 redemption center the refund value of a beverage container as 20 established by section 1863-A. Sec. 3. 32 MRSA §1866, sub-§5, ¶A, as amended by PL 1991, c. 22 819, \S 8, is further amended to read: 24 A distributor that initiates the deposit under section Α. 26 1863-A, subsection 2 or 4 or the distributor's 3rd-party pickup agent has the obligation to pick up any empty, 28 unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the distributor from dealers to whom that distributor has sold those beverages 30 and from licensed redemption centers designated to serve those dealers pursuant to an order entered under section 32 A distributor that, within this 1867. State, sells beverages under a particular label exclusively to one 34 dealer, which dealer offers those labeled beverages for sale 36 at retail exclusively at the dealer's establishment, or the distributor's 3rd-party pickup agent shall pick up any empty, unbroken and reasonably clean beverage containers of 38 the kind, size and brand sold by the distributor to the dealer only from those licensed redemption centers that 40 serve the various establishments of the dealer, under an entered under section 1867. Α dealer 42 order that manufactures its own beverages for exclusive sale by that dealer at retail has the obligation of a distributor under 44 this section. The commissioner may establish by rule, in accordance with the Maine Administrative Procedure Act, 46 criteria prescribing the manner in which distributors or distributors' 3rd-party pickup agents shall fulfill the 48 obligations imposed by this paragraph. The rules may establish a minimum number or value of containers below 50

which a distributor or the distributor's 3rd-party pickup 2 agent is not required to respond to a request to pick up empty containers. Any rules promulgated adopted under this paragraph must allocate the burdens associated with the 4 handling, storage and transportation of empty containers to б prevent unreasonable financial or other hardship. Rules adopted under this paragraph may not require a dealer or redemption center to sort, except by size, those glass and 8 metal containers that contained beer, ale or any other beverage produced by fermenting malt, wine coolers or soda 10 water or other nonalcoholic carbonated beverage. Refillable glass containers must be tendered by the dealer or 12 redemption center in shells provided by the distributor or 3rd-party pickup agent. Empty containers of nonalcoholic 14 noncarbonated beverages subject to this chapter must be 16 sorted by the dealer or redemption center according to material and distributor or 3rd-party pickup agent.

STATEMENT OF FACT

22 This bill amends the law regarding returnable beverage containers to define 3rd-party pickup agents and impose on them 24 the same requirements imposed on the distributors or manufacturers the agents represent. This bill also clarifies the 26 duties of dealers and redemption centers regarding the sorting of containers for return to distributors or 3rd-party pickup agents.

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