

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

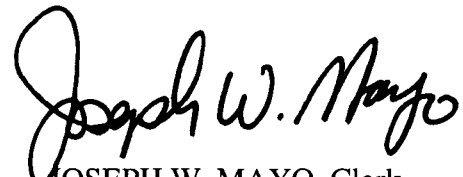
No. 1345

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.


JOSEPH 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
8 of juice or water to pick up the manufacturers' or distributors'
10 empty containers at redemption centers and account for and
12 deliver those containers to a recycling center.

14 **Sec. 2. 32 MRSA §1866, sub-§3**, as amended by PL 1991, c. 819,
16 §6, is further amended to read:

18 **3. Distributor acceptance.** A distributor or the 3rd-party
20 pickup agent of the distributor may not refuse to accept from any
22 dealer or local redemption center any empty, unbroken and
24 reasonably clean beverage container of the kind, size and brand
26 sold by the distributor or refuse to pay to the dealer or local
28 redemption center the refund value of a beverage container as
30 established by section 1863-A.

32 **Sec. 3. 32 MRSA §1866, sub-§5, ¶A**, as amended by PL 1991, c.
34 819, §8, is further amended to read:

36 A. A distributor that initiates the deposit under section
38 1863-A, subsection 2 or 4 or the distributor's 3rd-party
40 pickup agent has the obligation to pick up any empty,
42 unbroken and reasonably clean beverage containers of the
44 particular kind, size and brand sold by the distributor from
46 dealers to whom that distributor has sold those beverages
48 and from licensed redemption centers designated to serve
50 those dealers pursuant to an order entered under section
 1867. A distributor that, within this State, sells
 beverages under a particular label exclusively to one
 dealer, which dealer offers those labeled beverages for sale
 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
 the kind, size and brand sold by the distributor to the
 dealer only from those licensed redemption centers that
 serve the various establishments of the dealer, under an
 order entered under section 1867. A dealer that
 manufactures its own beverages for exclusive sale by that
 dealer at retail has the obligation of a distributor under
 this section. The commissioner may establish by rule, in
 accordance with the Maine Administrative Procedure Act,
 criteria prescribing the manner in which distributors or
 distributors' 3rd-party pickup agents shall fulfill the
 obligations imposed by this paragraph. The rules may
 establish a minimum number or value of containers below

