

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2443

H.P. 1737

House of Representatives, January 10, 2000

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### **An Act to Provide for Statewide Redemption of Returnable Containers.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator: TREAT of Kennebec.

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

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**Sec. 1. 32 MRSA §1866, sub-§1**, as amended by PL 1991, c. 819, §6, is further amended to read:

**1. Dealer acceptance.** Except as provided in this section, a dealer may not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container ~~of the kind, size and brand sold by the dealer~~, or refuse to pay in cash the refund value of the returned beverage container as established by section 1863-A. This section does not require an operator of a vending machine to maintain a person to accept returned beverage containers on the premises where the vending machine is located.

**Sec. 2. 32 MRSA §1866, sub-§2**, as enacted by PL 1975, c. 739, §16, is amended to read:

**2. Permissive refusal by dealer.** A dealer may refuse to accept from a consumer or other person and to pay the refund value on any beverage container, if the place of business of the dealer ~~and the kind, size and brand of beverage container are~~ is included in an order of the department approving a redemption center under section 1867.

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

A. A distributor that initiates the deposit under section 1863-A, subsection 2 or 4 has the obligation to pick up any empty, 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 these beverages~~ and from licensed redemption centers designated to serve these 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, 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 shall fulfill the obligations

2 imposed by this paragraph. The rules may establish a  
3 minimum number or value of containers below which a  
4 distributor is not required to respond to a request to pick  
5 up empty containers. Any rules promulgated under this  
6 paragraph must allocate the burdens associated with the  
7 handling, storage and transportation of empty containers to  
8 prevent unreasonable financial or other hardship.

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10 B. The initiator of the deposit under section 1863-A,  
11 subsection 3 has the obligation to pick up any empty,  
12 unbroken and reasonably clean beverage containers of the  
13 particular kind, size and brand sold by the initiator from  
14 dealers ~~to whom a distributor has sold those beverages~~ and  
15 from licensed redemption centers designated to serve these  
16 dealers pursuant to an order entered under section 1867.  
17 The obligation may be fulfilled by the initiator directly or  
18 indirectly through a contracted agent.

19 **Sec. 4. 32 MRSA §1867, sub-§§2 and 3**, as enacted by PL 1975, c.  
20 739, §16, are amended to read:

21 **2. Application for approval.** Application for approval of a  
22 local redemption center shall must be filed with the department.  
23 The application shall must state the name and address of the  
24 person responsible for the establishment and operation of the  
25 center, ~~the kinds, sizes and brand names of beverage containers~~  
26 ~~which will be accepted~~ and the names and addresses of dealers to  
27 be served and their distances from the local redemption center.

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29 **3. Approval.** The commissioner shall approve a local  
30 redemption center if he the commissioner finds that the center  
31 will provide a convenient service for the return of empty  
32 beverage containers. The order approving a local redemption  
33 center shall must state the dealers to be served ~~and the kinds,~~  
34 ~~sizes and brand names of empty beverage containers which the~~  
35 ~~center shall accept.~~

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37 **Sec. 5. 32 MRSA §1867, sub-§4**, as amended by PL 1991, c. 819,  
38 §12, is further amended to read:

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40 **4. Redemption center acceptance.** A local redemption center  
41 may not refuse to accept from any consumer or other person not a  
42 dealer any empty, unbroken and reasonably clean beverage  
43 container ~~of the kind, size and brand sold by a dealer served by~~  
44 ~~the center~~ or refuse to pay in cash the refund value of the  
45 returned beverage container as established by section 1863-A.

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47 **Sec. 6. 32 MRSA §1867, sub-§5**, as enacted by PL 1975, c. 739,  
48 §16, is amended to read:

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2           **5. Posted lists.** A list of the dealers served and--the  
kinds,--sizes--and--brand--names--of--empty--beverage--containers  
4           ~~accepted--shall~~ must be prominently displayed at each local  
redemption center.

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### SUMMARY

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10           This bill provides that a returnable container purchased in  
this State may be redeemed anywhere in the State. Currently, a  
12           beverage dealer or redemption center may refuse to redeem a  
container if the distributor of the container does not service  
the area in which the beverage dealer or redemption center is  
14           located.