

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 258

H.P. 223

House of Representatives, January 23, 2001

**An Act to Establish Returnable Tobacco Products and to Create the
Returnable Tobacco Products Fund.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BROOKS of Winterport.
Cosponsored by Representatives: ASH of Belfast, COWGER of Hallowell, HATCH of Skowhegan, PERKINS of Penobscot, TWOMEY of Biddeford, USHER of Westbrook, WHEELER of Eliot, Senator: YOUNGBLOOD of Penobscot.

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

4 **Sec. 1. 32 MRSA c. 28-A** is enacted to read:

6 **CHAPTER 28-A**

8 **RETURNABLE TOBACCO PRODUCTS**

10 **§1881. Definitions**

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. Commissioner. "Commissioner" means Commissioner of Human Services.

16 2. Department. "Department" means the Department of Human Services.

18 3. Returnable tobacco products. "Returnable tobacco products" means used or discarded cigarettes.

20 **§1882. Deposits and refunds**

22 To encourage the appropriate disposal of returnable tobacco products, every cigarette offered for sale to a consumer in this State must have a deposit value that is payable upon purchase by the consumer and a refund value that is payable upon redemption. The deposit and refund value are determined according to this section.

24 1. Deposit and refund values. For returnable tobacco products, the manufacturer shall determine the deposit and refund value, which may not be less than 5¢ per cigarette.

26 2. Labels. With regard to each cigarette sold or offered to be sold in this State, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on each cigarette by embossing, stamping, labeling or other method. The package must display the refund value of the total package.

28 **§1883. Local redemption centers**

30 Local redemption centers may be established and operated by any person or municipality, agency or regional association, subject to the approval of the commissioner, to serve the public and encourage the proper disposal of returnable tobacco products.

2
3 **§1884. Returnable Tobacco Products Fund**

4 There is established the Returnable Tobacco Products Fund to
5 receive funds from the payment of deposits on returnable tobacco
6 products, to pay out funds on the redemption of returnable
7 tobacco products and to hold funds not required for either of
8 those 2 purposes. The fund is a nonlapsing dedicated fund.
9 Interest accruing to the fund remains in the fund.

10 **§1885. Administrative provisions**

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12 **1. Administration.** The department shall administer this
13 chapter.

14
15 **2. Rulemaking.** The commissioner shall, in a manner
16 consistent with the Maine Administrative Procedure Act, after
17 investigation, adopt and promulgate rules to implement this
18 chapter. The rules must establish sanitary regulations for the
19 handling of returnable tobacco products, including sanitary
20 conditions of persons in direct contact with the returnable
21 tobacco products. The rules must establish standards of identity
22 and composition, including minimum standards of composition, for
23 the proper enforcement of this chapter and for the protection of
24 the public health and welfare. The rules must specify the
25 responsibilities of manufacturers, distributors and retailers of
26 cigarettes and the process by which deposits and refunds are
27 paid. Rules adopted pursuant to this section are routine
28 technical rules as defined by Title 5, chapter 375, subchapter
29 II-A.

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31
32 **SUMMARY**

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34 This bill establishes a system of deposit and redemption for
35 used and discarded cigarette butts, referred to as returnable
36 tobacco products, and creates the Returnable Tobacco Products
37 Fund, a dedicated fund for use in the payment of deposits and
38 redemptions and to hold funds not required for either purpose.