

MAINE STATE LEGISLATURE

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L.D. 455

DATE: April 30, 2001

(Filing No. S-105)

BUSINESS AND ECONOMIC DEVELOPMENT

Reported by:

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 131, L.D. 455, Bill, "An Act to Increase Reimbursement Rates for Maine's Bottle Redemption Businesses"

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

'Resolve, to Establish the Commission to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers'

Further amend the bill by striking out everything after the title and before the summary 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, the reimbursement rate for the cost of the handling of beverage containers by local redemption centers has not been increased since 1990; and

Whereas, this reimbursement rate is established in law by the Legislature; and

Whereas, the number and complexity of issues surrounding the handling and collection of returnable containers require the collection of additional data before an informed decision on a change in the rate for reimbursement of handling costs can be made; and

COMMITTEE AMENDMENT

2 **Whereas**, in the judgment of the Legislature, these facts
4 create an emergency within the meaning of the Constitution of
6 Maine and require the following legislation as immediately
8 necessary for the preservation of the public peace, health and
10 safety; now, therefore, be it

8 **Sec. 1. Commission established. Resolved:** That the Commission to
10 Study Reimbursement Rates for Maine's Bottle Redemption
12 Businesses and Other Issues Related to the Handling and
14 Collection of Returnable Containers, referred to in this resolve
16 as the "commission," is established; and be it further

14 **Sec. 2. Membership. Resolved:** That the commission consists of
16 13 members appointed as follows:

18 1. One member of the Senate, appointed by the President of
20 the Senate;

22 2. Two members of the House of Representatives, appointed
24 by the Speaker of the House;

26 3. Three members representing owners or operators of bottle
28 redemption centers currently operating in the State, appointed by
30 the President of the Senate;

32 4. Two members representing bottling companies, one of whom
34 represents microbreweries, appointed by the Speaker of the House;

36 5. Two members representing beverage distributorships
38 operating in the State, appointed by the President of the Senate;

40 6. One member representing recycling firms operating in the
42 State, appointed by the Speaker of the House;

44 7. One member representing 3rd-party collection agents,
46 appointed by the President of the Senate; and

48 8. One member representing an association of grocery stores
50 with membership in the State, appointed by the Speaker of the
House; and be it further

Sec. 3. Appointments; cochairs. Resolved: That 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 Senator named to the commission serves as
Senate chair and the first named House member serves as House
chair. When the appointment of all members is complete, the
cochairs of the commission shall call and convene the first

meeting of the commission no later than 15 days after the last member is appointed; and be it further

Sec. 4. Duties. Resolved: That the commission shall study reimbursement rates for Maine's bottle redemption businesses and other issues related to the handling and collection of returnable containers. In examining these issues, the commission shall:

1. Study the current operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is necessary and, if an increase is necessary, recommend the amount of the increase;

2. Identify the interrelationships between beverage producers, distributors and redemption centers concerning the collection of returnable containers, review the current laws governing redemption centers and recommend any changes that will improve the efficiency and effectiveness of current bottle redemption and collection processes;

3. Identify and investigate changes in technology relating to handling and recycling returnable containers that might assist bottle redemption centers in making their operations more efficient;

4. Consult with representatives of the Department of Economic and Community Development and the Finance Authority of Maine to identify programs and funding sources to assist redemption centers in upgrading their operations;

5. Investigate the nature and extent of fraudulent redemptions, review current state laws governing the illegal redemption of beverage containers not purchased in this State and make recommendations on ways to reduce or eliminate this activity; and

6. Consider whether or not the State should continue to set the reimbursement rate for redemption centers for handling costs; and be it further

Sec. 5. Technical and staff assistance. Resolved: That the commission may request technical assistance from the Department of Agriculture, Food and Rural Resources, the Department of Economic and Community Development, the Finance Authority of Maine and the State Planning Office. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 6. Reimbursement. Resolved: That the commission

members who are Legislators are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission; and be it further

Sec. 7. Commission budget. Resolved: That the cochairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget; and be it further

Sec. 8. Report. Resolved: That the commission shall submit a report that includes its findings and recommendations including suggested legislation to the Joint Standing Committee on Business and Economic Development and the Legislative Council by December 1, 2001. Following receipt and review of the report, the Joint Standing Committee on Business and Economic Development may report out a bill to the Second Regular Session of the 120th Legislature to implement the commission's recommendations. If the commission requires a limited extension of time to conclude its study and to make its report, it may apply to the Legislative Council, which may grant the extension; 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.

2001-02

LEGISLATURE

Commission to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers

Personal Services	\$825
All Other	4,050

Provides funds for the per diem and expenses of legislative members and other eligible members of the Commission to Study

COMMITTEE AMENDMENT "A" to S.P. 131, L.D. 455

2 Reimbursement Rates for Maine's Bottle
Redemption Businesses and Other Issues
4 Related to the Handling and Collection of
Returnable Containers and to print the
6 required report.

8 **LEGISLATURE**
TOTAL \$4,875

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

12
14 Further amend the bill by inserting at the end before the
summary the following:

16 **FISCAL NOTE**
18 **2001-02**

20 **APPROPRIATIONS/ALLOCATIONS**

22 General Fund \$4,875

24 The Legislature will require an additional General Fund
appropriation of \$4,875 in fiscal year 2001-02 for the per diem
26 and expenses of legislative members and other eligible members of
the Commission to Study Reimbursement Rates for Maine's Bottle
28 Redemption Businesses and Other Issues Related to the Handling
and Collection of Returnable Containers and to print the required
30 report.

32 The additional costs associated with providing staffing
assistance to the commission during the interim between
34 legislative sessions can be absorbed by the Legislature utilizing
existing budgeted resources. If an extension of the reporting
36 deadline is granted and the commission requires staffing
assistance during the legislative session, the Legislature may
38 require an additional General Fund appropriation to contract for
staff services.

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42 The Department of Agriculture, Food and Rural Resources, the
Department of Economic and Community Development, the Finance
44 Authority of Maine and the State Planning Office within the
Executive Department will incur some minor additional costs to
provide technical assistance to the Commission to Study
46 Reimbursement Rates for Maine's Bottle Redemption Businesses and
Other Issues Related to the Handling and Collection of Returnable
48 Containers. These costs can be absorbed within the agencies'
existing budgeted resources.'

COMMITTEE AMENDMENT

Further amend the resolve by inserting at the end before the summary the following:

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SUMMARY

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This amendment strikes the original bill and replaces it with a resolve that establishes a 13-member study commission charged with examining reimbursement rates for Maine's bottle redemption centers and other issues related to the handling and collection of returnable containers. The commission is required to report its findings and recommendations by December 1, 2001 to the Joint Standing Committee on Business and Economic Development and the Legislative Council. The amendment also adds an appropriation section and a fiscal note.

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