

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 326, L.D. 985, Bill, "An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees"

Amend the amendment on page 2 in subsection 4 in paragraph A in the 5th line from the end (page 2, line 14 in amendment) by striking out the following: "January" and inserting in its place the following: 'June'

Further amend the amendment on page 2 in subsection 4 in paragraph A in the 4th line from the end (page 2, line 15 in amendment) by striking out the following: "January" and inserting in its place the following: 'June'

Further amend the amendment on page 2 in subsection 4 in paragraph B in the 5th line from the end (page 2, line 26 in amendment) by striking out the following: "January" and inserting in its place the following: 'June'

Further amend the amendment on page 2 in subsection 4 in paragraph B in the 4th line from the end (page 2, line 27 in amendment) by striking out the following: "January" and inserting in its place the following: 'June'

Further amend the amendment on page 2 in subsection 4 in paragraph C in the 6th line (page 2, line 37 in amendment) by inserting after the following: "like" the following: 'product group.'

Further amend the amendment on page 2 in subsection 4 in paragraph C in the 9th line (page 2, line 40 in amendment) by inserting after the following: "like" the following: 'product group.'

R. of S.

2 Further amend the amendment on page 2 in subsection 4 in
paragraph C in the 11th line (page 2, line 42 in amendment) by
4 inserting after the following: "agreement." the following: 'Once
the initiator of deposit has established a qualified commingling
6 agreement for containers of a like product group, material and
size, the department shall allow additional brands to be included
8 from a different product group if they are of like material.'

10 Further amend the amendment on page 2 in subsection 4 in
paragraph C in the 2nd line from the end (page 2, line 48 in
12 amendment) by inserting after the following: "like" the
following: 'product group.'

14 Further amend the amendment in section 4 in subsection 4 by
16 inserting after paragraph C the following:

18 'D. Paragraphs A, B and C of this subsection do not apply
to a brewer who annually produces no more than 50,000
20 gallons of its product or a bottler of water who annually
sells no more than 250,000 containers each containing no
22 more than one gallon of its product. In addition to the
payment of the refund value, an initiator of deposit under
24 section 1863-A, subsections 1 to 4 who is also a brewer who
annually produces no more than 50,000 gallons of its product
26 or a bottler of water who annually sells no more than
250,000 containers each containing no more than one gallon
28 of its product shall reimburse the dealer or local
redemption center for the cost of handling beverage
30 containers subject to section 1863-A in an amount that
equals at least 3¢ per returned container.'

32 Further amend the amendment on page 3 in the 2nd indented
34 paragraph in the 4th line (page 3, line 9 in amendment) by
inserting after the following: "like" the following: 'product
36 group.'

38 Further amend the amendment on page 3 by striking out all of
the 3rd and 4th indented paragraphs (page 3, lines 17 to 21 in
40 amendment)

42 Further amend the amendment on page 3 in that part
designated "§1866-E." by inserting before subsection 1 the
44 following indented paragraph:

46 'The provisions of this section apply only to those beverage
containers that are not subject to a commingling agreement
48 pursuant to section 1866-D.'

R. of S.

Further amend the amendment in that part designated
"~~S1866-E.~~" by striking out all of subsection 6 and inserting in
its place the following:

'6. Small bottlers and brewers exempt. A brewer who
produces no more than 50,000 gallons of its product or a bottler
of water who sells no more than 250,000 containers each
containing no more than one gallon of its product in a calendar
year is exempt from the requirements of this section for that
year.'

SUMMARY

This amendment changes from January 1, 2004 to June 1, 2004
the date after which the handling fee is raised for an initiator
of a beverage container deposit who does not enter into a
qualified commingling agreement. The amendment also specifically
authorizes the commingling of beverage containers of like product
group and allows deposit initiators who establish a qualified
commingling agreement to add products to their agreement if they
are from a different product group but of the same material. The
amendment also limits the provisions pertaining to unclaimed
deposits to the those containers that are not subject to a
commingling agreement. This amendment changes Committee
Amendment "A"'s small bottler exemption from the return of
unclaimed deposit amounts to include a brewer who produces no
more than 50,000 gallons of its product and a bottler of water
who sells no more than 250,000 containers each containing no more
than one gallon of its product per year. The amendment also
exempts a brewer who annually produces no more than 50,000
gallons of its product or a bottler of water who annually sells
no more than 250,000 containers each containing no more than one
gallon of its product from the 1/2¢ handling fee increase for
initiators who fail to enter a commingling agreement by June 1,
2004, leaving the handling fee at 3¢ for these small bottlers
regardless of whether they enter into a commingling agreement.

FISCAL NOTE REQUIRED (See attached)

SPONSORED BY:

(Senator GAGNON)

COUNTY: Kennebec



121st Maine Legislature
Office of Fiscal and Program Review

LD 985

**An Act To Improve the State's Returnable Bottle Law and Adjust
Handling Fees**

LR 1324(10)

Fiscal Note for Senate Amendment 'B' to Committee Amendment "A"

Sponsor: Sen. Gagnon

Fiscal Note Required: Yes

Fiscal Note

Significantly reduces current biennium revenue increase - General Fund
Reduces current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

This amendment exempts beverage containers from the requirement that unclaimed deposits will be deposited into the General Fund. This exemption will eliminate much of the revenue that would have been collected for the General Fund by the bill as amended by Committee Amendment "A". The overall effect of the bill as amended is a minor increase in revenue to the General Fund.

Delaying the date by which the reimbursement fees for returned containers are increased will reduce the anticipated increase in Other Special Revenue Funds revenue collected by the Department of Agriculture, Food and Rural Resources in fiscal year 2003-04; the amounts can not be determined at this time.

This amendment also exempts certain breweries and bottlers from the increased handling fees. The net effect of this Other Special Revenue Funds revenue reduction is likely to be insignificant.