

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 985

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DATE: 6-13-03

(Filing No. S-307)

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**STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT "C" 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: 'March'

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: 'March'

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: 'March'

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: 'March'

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,'

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

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

16 Further amend the amendment on page 2 in subsection 4 by
inserting after paragraph C the following:

18 'D. Paragraphs A, B and C of this subsection do not apply
20 to a brewer who annually produces no more than 50,000
22 gallons of its product or a bottler of water who annually
24 sells no more than 250,000 containers each containing no
26 more than one gallon of its product. In addition to the
28 payment of the refund value, an initiator of deposit under
section 1863-A, subsections 1 to 4 who is also 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 shall reimburse the dealer or local
redemption center for the cost of handling beverage
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
36 inserting after the following: "like" the following: 'product
group.'

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

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

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

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SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 326, L.D. 985

Further amend the amendment in that part designated "~~S~~1866-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.'

Further amend the amendment by striking out all of section 7 and inserting in its place the following:

'Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services - Bureau of 0002

Initiative: Appropriates funds to establish one Senior Tax Examiner position and other related operating costs. The fiscal year 2003-04 amount includes \$100,000 to contract for the computer programming necessary to add this new requirement to the computer system in order to account for, print and process returns.

General Fund	2003-04	2004-05
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$18,514	\$60,657
All Other	\$107,955	\$3,755
General Fund Total	\$126,469	\$64,412

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$126,469	\$64,412
DEPARTMENT TOTAL - ALL FUNDS	\$126,469	\$64,412

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Beverage Container Enforcement Fund 0971

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SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 326,
L.D. 985

2 Initiative: Appropriates funds to establish one Agricultural
Compliance Officer position and operating costs necessary to
verify commingling agreements.

4	General Fund	2003-04	2004-05
6	Positions - Legislative Count	(1,000)	(1,000)
	Personal Services	\$39,257	\$51,181
8	All Other	\$11,225	\$15,000
10	General Fund Total	<u>\$50,482</u>	<u>\$66,181</u>
12	AGRICULTURE, FOOD AND RURAL		
13	RESOURCES, DEPARTMENT OF		
14	DEPARTMENT TOTALS	2003-04	2004-05
16	GENERAL FUND	\$50,482	\$66,181
18	DEPARTMENT TOTAL - ALL FUNDS	<u>\$50,482</u>	<u>\$66,181</u>
20	SECTION TOTALS	2003-04	2004-05
22	GENERAL FUND	\$176,951	\$130,593
24	SECTION TOTAL - ALL FUNDS	<u>\$176,951</u>	<u>\$130,593</u>

SUMMARY

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28 This amendment incorporates the substance of Senate
30 Amendment "B" to Committee Amendment "A" (S-250), except that:

32 1. It changes from June 1, 2004 to March 1, 2004 the date
34 after which the handling fee is raised for an initiator of a
beverage container who does not enter into a qualified
36 commingling agreement; and

38 2. It replaces the appropriation section.

40
42 SPONSORED BY: 
(Senator CATHCART)

44 COUNTY: Penobscot

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FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT

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(12)

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

Sponsor: Sen. Cathcart

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
General Fund	\$1,370,969	\$1,574,868	\$1,681,172	\$1,678,419
Appropriations/Allocations				
General Fund	\$126,469	\$64,412	\$64,412	\$64,412
Revenue				
General Fund	(\$1,244,500)	(\$1,510,456)	(\$1,616,760)	(\$1,614,007)

Fiscal Detail and Notes

This amendment includes General Fund appropriations for the Bureau of Revenue Services which were omitted from Committee Amendment "A". The amounts are \$126,469 and \$64,412 in fiscal years 2003-04 and 2004-05, respectively.

This amendment exempts certain 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 an amount of General Fund revenue over the 2004-05 biennium which will at least cover the biennial General Fund costs of the bill; the final amounts will depend on the number of commingling agreements that are entered into and can not be determined at this time.

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.

The following table shows the net General Fund impact of the bill as amended for the 2004-05 biennium:

	2003-04	2004-05	Biennial Total
General Fund Appropriations:			
- Department of Administrative and Financial Services	\$126,469	\$64,412	\$190,881
- Department of Agriculture, Food and Rural Resources	\$50,482	\$66,181	\$116,663
Appropriations Total	\$176,951	\$130,593	\$307,544
General Fund Revenues:	\$68,000	\$239,544	\$307,544