

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1257

H.P. 931

House of Representatives, March 6, 2003

### **An Act To Increase Returnable Beverage Container Redemption Rates**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DUNLAP of Old Town.  
Cosponsored by Representative GOODWIN of Pembroke, Senator CATHCART of Penobscot and Representatives: NORBERT of Portland, PERRY of Bangor, RINES of Wiscasset, SULLIVAN of Biddeford, THOMAS of Orono, Senator: BRYANT of Oxford.

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

4 **Sec. 1. 32 MRSA §1863-A**, as enacted by PL 1991, c. 819, §3,  
is amended to read:

6 **§1863-A. Refund value**

8 To encourage container reuse and recycling, every beverage  
10 container sold or offered for sale to a consumer in this State  
must have a deposit and refund value. The deposit and refund  
12 value are determined according to the provisions of this section.

14 **1. Refillable containers.** For refillable beverage  
containers, except wine and spirits containers, the manufacturer  
shall determine the deposit and refund value according to the  
16 type, kind and size of the beverage container. The deposit and  
refund value may not be less than 5¢ 7¢.

18 **2. Nonrefillable containers; exclusive distributorships.**  
20 For nonrefillable beverage containers, except wine and spirits  
containers, sold through geographically exclusive  
22 distributorships, the distributor shall determine and initiate  
the deposit and refund value according to the type, kind and size  
24 of the beverage container. The deposit and refund value must not  
be less than 5¢ 7¢.

26 **3. Nonrefillable containers; nonexclusive  
28 distributorships.** For nonrefillable beverage containers, except  
wine and spirits containers, not sold through geographically  
30 exclusive distributorships, the deposit and refund value may not  
be less than 5¢ 7¢.

32 **4. Wine and spirits containers.** For wine and spirits  
34 containers of greater than 50 milliliters, the refund value may  
not be less than 15¢ 20¢. On January 1, 1993, the department  
shall issue a finding on the percentages of wine containers and  
36 spirits containers returned for deposit. ~~If the department finds  
38 the return rate of wine containers was less than 60% during the  
year ending September 1992, then, on July 1, 1993, the refund  
40 value on wine containers may not be less than 25¢. If the  
department finds the return rate of spirits containers was less  
42 than 60% during the year ending September 1992, then, on July 1,  
1993, the refund value of spirits containers may not be less than~~  
44 25¢.

46 **Sec. 2. 32 MRSA §1866, sub-§4**, as amended by PL 1991, c. 819,  
§7, is further amended to read:

48 **4. Reimbursement of handling costs.** Reimbursement of  
50 handling costs is governed by this subsection.

2 A. In addition to the payment of the refund value, the  
4 initiator of the deposit under section 1863-A, subsections  
6 1, and 2 ~~and~~--4 shall reimburse the dealer or local  
8 redemption center for the cost of handling beverage  
containers subject to section 1863-A, in an amount that  
equals at least ~~3¢~~ 4.5¢ per returned container.

10 B. In addition to the payment of the refund value, the  
12 initiator of the deposit under section 1863-A, subsection 3  
14 shall reimburse the dealer or local redemption center for  
16 the cost of handling beverage containers subject to section  
1863-A in an amount that equals at least ~~3¢~~ 4.5¢ per  
returned container. The initiator of the deposit may  
reimburse the dealer or local redemption center directly or  
indirectly through a contracted agent.

18 C. In addition to the payment of the refund value, the  
20 initiator of the deposit under section 1863-A, subsection 4  
22 shall reimburse the dealer or local redemption center for  
24 the cost of handling beverage containers subject to section  
1863-A in an amount that equals at least 5¢ per returned  
container.

26 **Sec. 3. 32 MRSA §1871-B, sub-§2, ¶A-1** is enacted to read:

28 A-1. One half of 1¢ of each deposit collected under section  
1863-A;

30 **Sec. 4. 38 MRSA §2201, first ¶,** as amended by PL 1995, c. 465,  
32 Pt. A, §72 and affected by Pt. C, §2, is further amended to read:

34 The Maine Solid Waste Management Fund, referred to in this  
36 section as the "fund," is established as a nonlapsing fund to  
38 support programs administered by the State Planning Office and  
40 the Department of Environmental Protection. The fund must be  
42 segregated into 2 subsidiary accounts. The first subsidiary  
44 account, called operations, receives all fees established and  
46 received under article 1. The 2nd subsidiary account, called  
administration, receives all fees established under this article  
and under Title 36, chapter 719, all funds recovered by the  
department as reimbursement for departmental expenses incurred to  
abate imminent threats to public health, safety and welfare posed  
by the illegal disposal of solid waste and, except as provided in  
Title 32, section 1871-B, subsection 2, paragraph A-1, all  
unclaimed deposits returned to the State under Title 32, chapter  
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**Sec. 5. Effective date.** This Act takes effect January 1, 2004.

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**SUMMARY**

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This bill accomplishes the following:

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1. It raises from 5¢ to 7¢ the deposit on refillable and nonrefillable beverage containers, except wine and spirits containers;

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2. It raises from 15¢ to 20¢ the deposit on wine and spirits containers;

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3. It specifies that 1/2 of 1¢ of each deposit must be placed in the Beverage Container Enforcement Fund, which is used to fund the administrative and enforcement responsibilities under the bottle return laws of the Department of Agriculture, Food and Rural Resources; and

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4. It increases the handling fee that initiators of deposit must pay to dealers or redemption centers from 3¢ to 4.5¢ and 5¢, depending on the type of beverage container.