

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1004

S.P. 321

March 2, 2007

An Act To Repeal the Laws That Establish a Deposit for Bottles and Cans

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOWMAN of York.
Cosponsored by Representative BEAUDOIN of Biddeford.

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

2 **Sec. 1. 17 MRSA §331, sub-§9**, as enacted by PL 1991, c. 251, §1, is repealed.

3 **Sec. 2. 28-A MRSA §705, sub-§1-D**, as enacted by PL 2003, c. 349, §2, is
4 repealed.

5 **Sec. 3. 28-A MRSA §1355, sub-§1-A, ¶C**, as amended by PL 2001, c. 236, §1,
6 is further amended to read:

7 C. The holder of a brewery license may sell on the brewery premises during regular
8 business hours to nonlicensees only a specialty package of malt liquor produced at
9 the brewery. The volume of the specialty package may not exceed 15.5 gallons and
10 must be consumed off the premises. The sale of specialty packages described in this
11 paragraph must comply with keg tagging requirements provided in section 714. The
12 brewery shall submit a monthly report to its wholesaler detailing sales made directly
13 from the brewery premises. ~~The wholesaler shall calculate the fees for any bottle
14 deposit and submit an invoice to the brewery for expenses associated with the
15 requirements prescribed in Title 32, chapter 28 including the retailer handling fee,
16 state container deposit and a mutually agreed upon pick-up fee.~~

17 **Sec. 4. 28-A MRSA §1651, sub-§1, ¶C**, as amended by PL 1993, c. 615, §5, is
18 repealed.

19 **Sec. 5. 28-A MRSA §2075, sub-§2-A**, as amended by PL 2003, c. 452, Pt. P, §6
20 and affected by Pt. X, §2, is repealed.

21 **Sec. 6. 28-A MRSA §2077, sub-§2-A**, as amended by PL 2003, c. 452, Pt. P, §7
22 and affected by Pt. X, §2, is repealed.

23 **Sec. 7. 32 MRSA c. 28**, as amended, is repealed.

24 **Sec. 8. 38 MRSA §2201, first ¶**, as amended by PL 1995, c. 465, Pt. A, §72 and
25 affected by Pt. C, §2, is further amended to read:

26 The Maine Solid Waste Management Fund, referred to in this section as the "fund," is
27 established as a nonlapsing fund to support programs administered by the State Planning
28 Office and the Department of Environmental Protection. The fund must be segregated
29 into 2 subsidiary accounts. The first subsidiary account, called operations, receives all
30 fees established and received under article 1. The 2nd subsidiary account, called
31 administration, receives all fees established under this article and under Title 36, chapter
32 719; and all funds recovered by the department as reimbursement for departmental
33 expenses incurred to abate imminent threats to public health, safety and welfare posed by
34 the illegal disposal of solid waste ~~and all unclaimed deposits returned to the State under
35 Title 32, chapter 28.~~

SUMMARY

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This bill repeals the laws that place a deposit and refund value on beverage containers.