

MAINE STATE LEGISLATURE

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No. 1657

H.P. 1166

House of Representatives, March 22, 2007

An Act To Support and Enhance Maine's Beverage Container Recycling Laws and Household Hazardous Waste Collection

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Senator PERRY of Penobscot and
Representatives: DRISCOLL of Westbrook, EBERLE of South Portland, KOFFMAN of Bar
Harbor, MacDONALD of Boothbay, SAMSON of Auburn, TREAT of Farmingdale, Senators:
SCHNEIDER of Penobscot, STRIMLING of Cumberland.

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

2 **Sec. 1. 32 MRSA §1862, sub-§1-A** is enacted to read:

3 **1-A. Aseptic packaging.** "Aseptic packaging" means a container composed, in
4 whole or in part, of aluminum and plastic or aluminum and paper in combination.

5 **Sec. 2. 32 MRSA §1862, sub-§2,** as amended by PL 1993, c. 591, §1 and
6 affected by §5, is further amended to read:

7 **2. Beverage container.** "Beverage container" means a bottle, can, jar or other
8 container made of glass, metal or plastic or aseptic packaging that has been sealed by a
9 manufacturer and at the time of sale contains 4 liters or less of a beverage, soup or broth.
10 ~~This term does not include a container composed, in whole or in part, of aluminum and~~
11 ~~plastic or aluminum and paper in combination as long as the aluminum content represents~~
12 ~~10% or less of the unfilled container weight, the container materials represent 5% or less~~
13 ~~of the total weight of the container and its contents, and the container is filled with a~~
14 ~~nonalcoholic beverage.~~

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

17 **1. Refillable containers.** For refillable beverage containers, except wine and spirits
18 containers, the manufacturer shall determine the deposit and refund value according to
19 the type, kind and size of the beverage container. The deposit and refund value may not
20 be less than ~~5¢ 10¢~~ except that, beginning January 1, 2018 and every 10 years thereafter,
21 the deposit and refund value must be adjusted for changes in inflation based upon the
22 Consumer Price Index as defined in Title 36, section 5402, subsection 1.

23 **Sec. 4. 32 MRSA §1863-A, sub-§2,** as enacted by PL 1991, c. 819, §3, is
24 amended to read:

25 **2. Nonrefillable containers; exclusive distributorships.** For nonrefillable beverage
26 containers, except wine and spirits containers, sold through geographically exclusive
27 distributorships, the distributor shall determine and initiate the deposit and refund value
28 according to the type, kind and size of the beverage container. The deposit and refund
29 value ~~must may~~ not be less than ~~5¢ 10¢~~ except that, beginning January 1, 2018 and every
30 10 years thereafter, the deposit and refund value must be adjusted for changes in inflation
31 based upon the Consumer Price Index as defined in Title 36, section 5402, subsection 1.

32 **Sec. 5. 32 MRSA §1863-A, sub-§3,** as enacted by PL 1991, c. 819, §3, is
33 amended to read:

34 **3. Nonrefillable containers; nonexclusive distributorships.** For nonrefillable
35 beverage containers, except wine and spirits containers, not sold through geographically
36 exclusive distributorships, the deposit and refund value may not be less than ~~5¢ 10¢~~
37 except that, beginning January 1, 2018 and every 10 years thereafter, the deposit and
38 refund value must be adjusted for changes in inflation based upon the Consumer Price
39 Index as defined in Title 36, section 5402, subsection 1.

1 **Sec. 6. 32 MRSA §1866, sub-§4, ¶A**, as amended by PL 2003, c. 499, §6, is
2 further amended to read:

3 A. In addition to the payment of the refund value, the initiator of the deposit under
4 section 1863-A, subsections 1, 2 and 4 shall reimburse the dealer or local redemption
5 center for the cost of handling beverage containers subject to section 1863-A, in an
6 amount that equals at least 3¢ per returned container for containers picked up by the
7 initiator before March 1, 2004 ~~and~~, at least 3 1/2¢ for containers picked up on or after
8 March 1, 2004 but before March 1, 2008 and at least 7¢ for containers picked up on
9 or after March 1, 2008. The initiator of the deposit may reimburse the dealer or local
10 redemption center directly or indirectly through a party with which it has entered into
11 a commingling agreement.

12 **Sec. 7. 32 MRSA §1866, sub-§4, ¶B**, as corrected by RR 2003, c. 1, §34, is
13 amended to read:

14 B. In addition to the payment of the refund value, the initiator of the deposit under
15 section 1863-A, subsection 3 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
17 equals at least 3¢ per returned container for containers picked up by the initiator
18 before March 1, 2004 ~~and~~, at least 3 1/2¢ for containers picked up on or after March
19 1, 2004 but before March 1, 2008 and at least 7¢ for containers picked up on or after
20 March 1, 2008. The initiator of the deposit may reimburse the dealer or local
21 redemption center directly or indirectly through a contracted agent or through a party
22 with which it has entered into a commingling agreement.

23 **Sec. 8. 32 MRSA §1866-E, sub-§4**, as amended by PL 2003, c. 700, §2 and
24 affected by §6, is further amended to read:

25 **4. Transfer of abandoned deposit amounts.** By the 20th day of each month, an
26 initiator shall turn over to the State Tax Assessor the initiator's abandoned deposit
27 amounts determined pursuant to subsection 3. Those amounts may be paid from the
28 deposit transaction fund. Amounts collected by the assessor pursuant to this subsection
29 must be treated by the assessor as a tax, as that term is defined by Title 36, section 111,
30 subsection 5, and must be deposited in ~~the General Fund~~ a dedicated account in the
31 Executive Department, State Planning Office for grants pursuant to Title 38, section
32 2133, subsection 2-B.

33 **Sec. 9. State Planning Office report.** The Executive Department, State
34 Planning Office, with assistance from the Department of Agriculture, Food and Rural
35 Resources, shall prepare a report on the volume of nonrefillable beverage containers that
36 is disposed of as municipal solid waste in the State each year. The report must be
37 submitted to the Joint Standing Committee on Business, Research and Economic
38 Development and the Joint Standing Committee on Natural Resources by December 3,
39 2007.

1

SUMMARY

2 This bill raises the deposit and refund on beverage containers from 5¢ to 10¢ and
3 provides that the deposit and refund must be adjusted for inflation every 10 years
4 beginning January 1, 2018. It doubles the handling fee paid to redemption centers
5 beginning March 1, 2008. It expands the law to include aseptic containers. It provides
6 that the unclaimed beverage container deposits must be deposited in a dedicated account
7 in the State Planning Office for grants for household hazardous waste collection. It
8 requires the State Planning Office to report on the volume of nonrefillable beverage
9 containers that is disposed of as municipal solid waste in the State each year.