

# MAINE STATE LEGISLATURE

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Date: 06-19-07

(Filing No. S- 342)

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**STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
FIRST REGULAR SESSION**

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 603,  
L.D. 1696, Bill, "An Act To Amend Maine's Bottle Laws"

Amend the amendment by inserting after section 3 the following:

Sec. 4. 32 MRSA §1867, sub-§3, as amended by PL 2001, c. 661, §6, is further amended to read:

3. Approval. The commissioner shall may approve the licensing of a local redemption center if the redemption center complies with the requirements established under section 1871-A. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.

Sec. 5. 32 MRSA §1871-A, sub-§2, as enacted by PL 2001, c. 661, §9, is amended to read:

2. Criteria for licensing rules. In developing rules under subsection 1 for licensing redemption centers, the department shall consider at least the following:

- A. The health and safety of the public, including sanitation protection when food is also sold on the premises; ~~and~~
- B. The convenience for the public, including standards governing the distribution of centers by population or by distance, or both;
- C. The proximity of the proposed redemption center to existing redemption centers and the potential impact the location of the proposed redemption center may have on an existing redemption center;
- D. The owner's record of compliance with this chapter and rules adopted by the department pursuant to this chapter; and
- E. The hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center.

Sec. 6. 32 MRSA §1871-A, sub-§3 is enacted to read:

**SENATE AMENDMENT**

1 3. Location of redemption centers. The department may grant a license to a  
2 redemption center if the following requirements are met:

3 A. The department may license up to 6 redemption centers in a municipality with a  
4 population over 30,000;

5 B. The department may license up to 4 redemption centers in a municipality with a  
6 population over 20,000 but no more than 30,000;

7 C. The department may license up to 3 redemption centers in a municipality with a  
8 population over 5,000 but no more than 20,000; and

9 D. The department may license no more than one redemption center in a  
10 municipality with a population of no more than 5,000.

11 **Sec. 7. 32 MRSA §1871-A, sub-§4 is enacted to read:**

12 4. Exception to location requirement. The following are exceptions to the  
13 population size location requirements of subsection 3.

14 A. The requirements of subsection 3 do not apply to an owner who is renewing or  
15 selling the license of a redemption center licensed by the department as of September  
16 1, 2007.

17 B. The requirements of subsection 3 do not apply to an entity that is a food  
18 establishment licensed by the department or an eating establishment that is licensed  
19 by the Department of Health and Human Services when the redemption of beverage  
20 containers accounts for less than 25% of the entity's total yearly gross revenue.

21 C. A reverse vending machine may not be considered a redemption center for  
22 purposes of subsection 3 when it is located in a licensed redemption center.

23 D. The department may grant a license that is inconsistent with the requirements set  
24 out in subsection 3 only if the applicant has demonstrated a compelling public need  
25 for an additional redemption center in the municipality.

26 **Sec. 8. 32 MRSA §1871-D is enacted to read:**

27 **§1871-D. Denial of redemption center license**

28 1. Denial of application. The department shall notify an applicant denied a license  
29 of the reasons for the denial. Written notification must be sent to the mailing address  
30 given by the applicant in the application for a redemption center license.

31 2. Aggrieved applicants. Any applicant aggrieved by a decision made by the  
32 department may appeal the decision by filing an appeal with the District Court and  
33 -serving a copy of the appeal upon the department in accordance with the Maine Rules of  
34 Civil Procedure, Rule 80C. The appeal must be filed and served within 30 days of the  
35 mailing of the department's decision.

**R.03.**

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 603, L.D. 1696

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**SUMMARY**

This amendment adds language from Legislative Document 1600 as amended by Committee Amendment "A" that limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality.

**SPONSORED BY:** \_\_\_\_\_  
**(Senator COURTNEY)**  
**COUNTY: York**

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 123rd MAINE LEGISLATURE

LD 1696

LR 1684(07)

An Act To Amend Maine's Bottle Laws

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

**Sponsor: Sen. Courtney of York**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund