

MAINE STATE LEGISLATURE

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Date: 5/31/7

(Filing No. H-387)

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1225, L.D. 1759, Bill, "An Act To Reduce Fraud in the Processing of Beverage Containers"

Amend the bill by striking out the title and substituting the following:

'An Act To Preserve the Recycling Value of Beverage Containers'

Amend the bill by striking out all of sections 3 to 7 and inserting the following:

Sec. 3. 32 MRSA §1866, sub-§3-A is enacted to read:

3-A. Obligation to preserve recycling value. Notwithstanding subsection 5, a distributor or its agent may refuse to accept, or pay the refund value and handling costs to a dealer, redemption center or other person for, a beverage container that has been processed by a reverse vending machine in a way that has reduced the recycling value of the container below current market value. This subsection may not be interpreted to prohibit a written processing agreement between a distributor and a dealer or redemption center and does not relieve a distributor of its obligation under subsection 5 to accept empty, unbroken and reasonably clean beverage containers. The department shall adopt rules to establish the recycling value of beverage containers under this subsection and the rules may authorize the use of a 3rd-party vendor to determine if a beverage container has been processed by a reverse vending machine in a manner that has reduced the recycling value below current market value. The rules must outline the method of allocating among the parties involved the payment for 3rd-party vendor costs. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 4. 32 MRSA §1866, sub-§9 is enacted to read:

9. License revocation. The department may revoke the license of a dealer or redemption center that has been adjudged to have committed a violation of this section.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

2 This amendment removes provisions in the bill proposing that distributors be required
3 to pick up similar quantities of beverage containers as were sold to dealers or their
4 redemption centers and provisions proposing to require that persons redeeming more than
5 1,000 empty containers sign a declaration indicating that those containers were collected
6 in Maine.

7 The amendment clarifies provisions in the bill allowing distributors to refuse to
8 accept beverage containers processed in a way that has reduced the container's value
9 below current market recycling value. Distributors are still required, under existing law,
10 to accept beverage containers that are empty, unbroken and reasonably clean. The
11 Department of Agriculture, Food and Rural Resources is directed to adopt routine
12 technical rules establishing the method for determining the current market recycling value
13 of beverage containers. Those rules may authorize the use of a 3rd-party vendor to make
14 that determination and must prescribe how payment for those 3rd-party vendor costs will
15 be allocated among the parties involved.

16 The amendment also clarifies that the Department of Agriculture, Food and Rural
17 Resources may revoke a dealer or redemption center license if the dealer or redemption
18 center is adjudged to have committed a violation of the laws pertaining to the acceptance
19 of empty beverage containers and the payment of refund values and handling fees.

FISCAL NOTE REQUIRED
(See attached)



123rd MAINE LEGISLATURE

LD 1759

LR 2070(02)

An Act To Reduce Fraud in the Processing of Beverage Containers

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Business, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund