

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



STATE LAW LIBRARY
AUGUSTA, MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 52

H.P. 45

House of Representatives, January 5, 2009

An Act To Require Unredeemed Beverage Container Deposits To Be Provided to the State

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARTIN of Eagle Lake.

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

2 **Sec. 1. 32 MRSA §1866-E, first ¶**, as enacted by PL 2003, c. 499, §8, is amended to
3 read:

4 The provisions of this section apply ~~only to those~~ all beverage containers ~~that are not~~
5 ~~subject to a commingling agreement pursuant to section 1866-D~~ unless exempt under
6 subsection 6 or section 1870.

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

9 **4. Transfer of abandoned deposit amounts.** By the 20th day of each month, an
10 initiator shall turn over to the State Tax Assessor the initiator's abandoned deposit amounts
11 determined pursuant to subsection 3. Those amounts may be paid from the deposit
12 transaction fund. Amounts collected by the assessor pursuant to this subsection must be
13 treated by the assessor as a tax, as that term is defined by Title 36, section 111, subsection 5,
14 and must be deposited in the General Fund and 50% of that amount deposited must be
15 credited to the Beverage Container Enforcement Fund, established under section 1871-B, for
16 administration of the returnable beverage container laws by the department.

17 **Sec. 3. 32 MRSA §1866-E, sub-§7**, as enacted by PL 2003, c. 700, §4 and affected
18 by §6, is repealed.

19 **Sec. 4. Abandoned deposits; 10-year audit; payment.** The Department of
20 Agriculture, Food and Rural Resources shall audit or cause an audit of abandoned deposit
21 amounts on all beverage containers as defined in the Maine Revised Statutes, Title 32,
22 chapter 28 for the 10 years preceding the effective date of this Act. The goal of the audit is to
23 estimate amounts of abandoned deposit amounts that remain unaccounted for because of
24 commingling agreements and to identify an estimated amount for each initiator of deposits.
25 The department shall assess against initiators of deposits the amounts estimated plus interest.
26 An initiator shall pay the assessment under this section within 60 days of notice from the
27 department of the assessment amount. Failure to pay within 60 days results in a fine of
28 \$10,000 per day. Any money collected by operation of this section must be deposited in the
29 General Fund and credited to the Beverage Container Enforcement Fund established under
30 Title 32, section 1871-B.

31 **SUMMARY**

32 Most returnable beverage containers in the State are subject to commingling agreements
33 and, as such, are not currently subject to the provisions that require initiators of the deposits
34 to transfer abandoned deposit amounts to the State.

35 This bill amends current law to capture the abandoned deposit amounts on returnable
36 beverage containers that are subject to commingling agreements and credits 50% of the
37 amount collected from all transfers of abandoned deposit amounts to the Department of
38 Agriculture, Food and Rural Resources to administer the provisions regarding returnable
39 beverage containers.

1 This bill also addresses the same issue historically by requiring an audit to estimate
2 amounts unaccounted for during the last 10 years and requires initiators of deposits to pay the
3 estimates, plus interest, within 60 days of notice from the department. Failure to pay will
4 result in an additional daily fine added to the assessment.