MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 696

H.P. 479

House of Representatives, February 24, 2009

Resolve, To Reclaim Past Unredeemed Beverage Container Deposits

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

Millient M. Macfarland MILLICENT M. MacFARLAND Clerk

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator PERRY of Penobscot and
Representatives: CAIN of Orono, CLEARY of Houlton, EBERLE of South Portland, HILL of
York, ROTUNDO of Lewiston, SMITH of Monmouth, TREAT of Hallowell, WATSON of
Bath.

Sec. 1. Abandoned deposits; 15-year audit. Resolved: That the Office of Program Evaluation and Government Accountability shall audit abandoned deposit amounts on all beverage containers as defined in the Maine Revised Statutes, Title 32, chapter 28 for the 15 years preceding the effective date of this resolve. The goal of the audit is to estimate abandoned deposit amounts that remain unaccounted for because of commingling agreements and to identify an estimated amount for each initiator of deposits; and be it further

 Sec. 2. Assessment; payment; penalty. Resolved: That the Department of Agriculture, Food and Rural Resources shall assess against initiators of deposits the amounts estimated pursuant to the audit conducted under section 1. An initiator shall pay the assessment under this section, plus interest, within 60 days of notice from the department of the assessment amount. Failure to pay within 60 days results in a fine of \$10,000 per day. Notwithstanding the Maine Revised Statutes, Title 32, section 1866-E, any money collected by operation of this section must be deposited in the General Fund and credited to the Beverage Container Enforcement Fund established under Title 32, section 1871-B.

SUMMARY

This resolve seeks to recapture unredeemed or abandoned deposits from beverage containers subject to commingling agreements. Specifically, the resolves requires the Office of Program Evaluation and Government Accountability to conduct an audit to estimate deposit amounts unaccounted for during the last 15 years and requires initiators of deposits to pay the estimates, plus interest, within 60 days of notice from the department. Failure to pay will result in a daily fine added to the assessment.