

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 938

H.P. 641

House of Representatives, March 10, 2009

An Act To Allocate Redemption Centers Based on Population

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CUSHING of Hampden.
Cosponsored by Representatives: CLEARY of Houlton, GILES of Belfast, PRESCOTT of Topsham, Senator: RECTOR of Knox.

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

2 **Sec. 1. 32 MRSA §1867, sub-§3**, as amended by PL 2001, c. 661, §6, is further
3 amended to read:

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

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

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

13 A. The health and safety of the public, including sanitation protection when food is
14 also sold on the premises; ~~and~~

15 B. The convenience for the public, including standards governing the distribution of
16 centers by population or by distance, or both;

17 C. The proximity of the proposed redemption center to existing redemption centers
18 and the potential impact the location of the proposed redemption center may have on
19 an existing redemption center;

20 D. The proposed redemption center's owner's record of compliance with this chapter
21 and rules adopted by the department pursuant to this chapter; and

22 E. The hours of operation of the proposed redemption center and of existing
23 redemption centers in the proximity of the proposed redemption center.

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

25 **3. Location of redemption centers.** The department may grant licenses to
26 redemption centers as set out under this subsection.

27 A. The department may license up to 5 redemption centers in a municipality with a
28 population over 30,000.

29 B. The department may license up to 3 redemption centers in a municipality with a
30 population over 20,000 but no more than 30,000.

31 C. The department may license up to 2 redemption centers in a municipality with a
32 population over 5,000 but no more than 20,000.

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

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

1 4. Exception to location requirements. This subsection sets out exceptions to the
2 requirements of subsection 3.

3 A. Subsection 3 does not apply to a redemption center that was licensed under this
4 chapter on September 1, 2007 that is renewing its license or being sold.

5 B. Subsection 3 does not apply to an entity that is a food establishment licensed
6 under this Title or an eating establishment that is licensed under Title 22 when the
7 redemption of beverage containers accounts for less than 25% of the entity's total
8 yearly gross revenue.

9 C. A reverse vending machine may not be considered a redemption center for
10 purposes of subsection 3 when it is located in a redemption center licensed under this
11 chapter.

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

15 **Sec. 5. 32 MRSA §1871-D** is enacted to read:

16 **§1871-D. Denial of redemption center license**

17 1. Denial of application. If the department denies an application for a redemption
18 center license under this chapter, the department shall notify the applicant the reason for
19 the denial. The notification must be written and sent to the mailing address given by the
20 applicant in the application for a license.

21 2. Aggrieved applicants. An applicant may appeal the denial of a license under this
22 section by filing an appeal with the District Court and serving a copy of the appeal upon
23 the department in accordance with the Maine Rules of Civil Procedure, Rule 80C. The
24 appeal must be filed and served within 30 days of the mailing of the notice of denial
25 under subsection 1.

26 **SUMMARY**

27 This bill amends the licensing of local redemption centers by requiring the
28 Department of Agriculture, Food and Rural Resources to consider the proximity of a
29 proposed redemption center to existing redemption centers. The bill also limits the
30 number of redemption centers that may be licensed in a municipality based on the
31 population of the municipality. The population limits do not apply to existing redemption
32 centers, certain licensed food establishments and reverse vending machines located in a
33 redemption center and may be waived if the applicant shows a compelling public need for
34 another redemption center.

35 The bill also provides a procedure for an applicant denied a redemption center license
36 to appeal that denial.