

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1048

H.P. 723

House of Representatives, March 17, 2009

An Act To Increase the Amount of the Deposit on Returnable Beverage Containers

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIROIS of Turner.
Cosponsored by Senator NUTTING of Androscoggin and
Representative: WAGNER of Lewiston.

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

2 **Sec. 1. 32 MRSA §1863-A**, as enacted by PL 1991, c. 819, §3, is amended to
3 read:

4 **§1863-A. Refund value**

5 To encourage container reuse and recycling, every beverage container sold or offered
6 for sale to a consumer in this State must have a deposit and refund value. The deposit
7 and refund value are determined according to the provisions of this section.

8 **1. Refillable containers.** For refillable beverage containers, except wine and spirits
9 containers, the manufacturer shall determine the deposit and refund value according to
10 the type, kind and size of the beverage container. The deposit and refund value may not
11 be less than ~~5¢~~ 10¢.

12 **2. Nonrefillable containers; exclusive distributorships.** For nonrefillable beverage
13 containers, except wine and spirits containers, sold through geographically exclusive
14 distributorships, the distributor shall determine and initiate the deposit and refund value
15 according to the type, kind and size of the beverage container. The deposit and refund
16 value ~~must~~ may not be less than ~~5¢~~ 10¢.

17 **3. Nonrefillable containers; nonexclusive distributorships.** For nonrefillable
18 beverage containers, except wine and spirits containers, not sold through geographically
19 exclusive distributorships, the deposit and refund value may not be less than ~~5¢~~ 10¢.

20 **4. Wine and spirits containers.** For wine and spirits containers of greater than 50
21 milliliters, the refund value may not be less than ~~15¢~~ 20¢. On January 1, 1993, the
22 department shall issue a finding on the percentages of wine containers and spirits
23 containers returned for deposit. If the department finds the return rate of wine containers
24 was less than 60% during the year ending September 1992, then, on July 1, 1993, the
25 refund value on wine containers may not be less than 25¢. If the department finds the
26 return rate of spirits containers was less than 60% during the year ending September
27 1992, then, on July 1, 1993, the refund value of spirits containers may not be less than
28 25¢.

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

31 **4. Transfer of abandoned deposit amounts.** By the 20th day of each month, an
32 initiator shall turn over to the State Tax Assessor the initiator's abandoned deposit
33 amounts determined pursuant to subsection 3. Those amounts may be paid from the
34 deposit transaction fund. Amounts collected by the assessor pursuant to this subsection
35 must be treated by the assessor as a tax, as that term is defined by Title 36, section 111,
36 subsection 5, and must be deposited in the General Fund, and of those amounts 5¢ per
37 nonrefillable container as reported under subsection 2 must be directed toward the cost of
38 the total allocation for kindergarten to grade 12 education under Title 20-A, section
39 15752.

SUMMARY

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This bill raises the refund value on nonrefillable beverage containers by 5¢ and directs the State Tax Assessor to apply the increase in revenue from unclaimed deposits as a result of this bill toward the cost of the total allocation for kindergarten to grade 12 education.