

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1774

H.P. 1263

House of Representatives, February 8, 2010

An Act To Strengthen Collection of Unredeemed Beverage Container Deposits

(EMERGENCY)

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. (GOVERNOR'S BILL)
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: AUSTIN of Gray, HUNT of Buxton, MacDONALD of Boothbay, MARTIN
of Orono, SMITH of Monmouth, WRIGHT of Berwick, Senators: RECTOR of Knox,
SULLIVAN of York.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** it is in the public interest to ensure that initiators of deposit are in
4 compliance with reporting and payment requirements as soon as possible; and

5 **Whereas,** revisions are needed to facilitate compliance with those requirements; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 32 MRSA §1866-E, sub-§8** is enacted to read:

12 **8. Removal of beverage.** The department may remove from sale a beverage that is
13 sold or distributed in the State by an initiator of deposit who is not in compliance with the
14 reporting and payment requirements established in this section if the department is
15 notified by the State Tax Assessor of that noncompliance. The department shall allow the
16 sale of the beverage to resume upon notification by the State Tax Assessor that all
17 delinquent reports have been submitted and all payments are current.

18 **Sec. 2. 36 MRSA §191, sub-§2, ¶PP** is enacted to read:

19 PP. The disclosure of registration, reporting and payment information to the
20 Department of Agriculture, Food and Rural Resources necessary for the
21 administration of Title 32, chapter 28.

22 **Emergency clause.** In view of the emergency cited in the preamble, this
23 legislation takes effect when approved.

24 **SUMMARY**

25 This bill amends the laws relating to beverage containers to provide that the
26 Department of Agriculture, Food and Rural Resources may remove beverages from sale
27 when the initiator of deposit is not in compliance with reporting and payment
28 requirements.

29 This bill amends the laws governing the Department of Administrative and Financial
30 Services, Bureau of Revenue Services to provide that the bureau may disclose to the
31 Department of Agriculture, Food and Rural Resources registration, reporting and
32 payment information necessary for the administration and enforcement of the beverage
33 container laws.