

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 728

S.P. 217

In Senate, February 18, 2011

### **An Act To Reduce Truck Travel Caused by the Bottle Redemption Laws**

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Received by the Secretary of the Senate on February 18, 2011. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator RECTOR of Knox.  
Cosponsored by Representative PRESCOTT of Topsham and  
Senators: MASON of Androscoggin, SAVIELLO of Franklin, SCHNEIDER of Penobscot,  
Representatives: AYOTTE of Caswell, CUSHING of Hampden, HUNT of Buxton.

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

2 **Sec. 1. 32 MRSA §1866, sub-§5**, as amended by PL 2003, c. 499, §7, is further  
3 amended to read:

4 **5. Obligation to pick up containers.** The obligation to pick up beverage containers  
5 subject to this chapter is determined as follows.

6 A. A distributor that initiates the deposit under section 1863-A, subsection 2 or 4 has  
7 the obligation to pick up any empty, unbroken and reasonably clean beverage  
8 containers of the particular kind, size and brand sold by the distributor from dealers to  
9 whom that distributor has sold those beverages and from licensed redemption centers  
10 designated to serve those dealers pursuant to an order entered under section 1867. A  
11 distributor that, within this State, sells beverages under a particular label exclusively  
12 to one dealer, which dealer offers those labeled beverages for sale at retail  
13 exclusively at the dealer's establishment, shall pick up any empty, unbroken and  
14 reasonably clean beverage containers of the kind, size and brand sold by the  
15 distributor to the dealer only from those licensed redemption centers that serve the  
16 various establishments of the dealer, under an order entered under section 1867. A  
17 dealer that manufactures its own beverages for exclusive sale by that dealer at retail  
18 has the obligation of a distributor under this section. The commissioner may  
19 establish by rule, in accordance with the Maine Administrative Procedure Act,  
20 criteria prescribing the manner in which distributors shall fulfill the obligations  
21 imposed by this paragraph. The rules may establish a minimum number or value of  
22 containers below which a distributor is not required to respond to a request to pick up  
23 empty containers. Any rules promulgated under this paragraph must allocate the  
24 burdens associated with the handling, storage and transportation of empty containers  
25 to prevent unreasonable financial or other hardship.

26 B. The initiator of the deposit under section 1863-A, subsection 3 has the obligation  
27 to pick up any empty, unbroken and reasonably clean beverage containers of the  
28 particular kind, size and brand sold by the initiator from dealers to whom a distributor  
29 has sold those beverages and from licensed redemption centers designated to serve  
30 those dealers pursuant to an order entered under section 1867. The obligation may be  
31 fulfilled by the initiator directly or indirectly through a contracted agent.

32 C. An initiator of the deposit under section 1863-A, subsection 2, 3 or 4 has the  
33 obligation to pick up any empty, unbroken and reasonably clean beverage containers  
34 that are commingled pursuant to a commingling agreement along with any beverage  
35 containers that the initiator is otherwise obligated to pick up pursuant to paragraphs A  
36 and B.

37 The obligation of the initiator of the deposit under this subsection may be fulfilled by the  
38 initiator directly or through a party with which it has entered into a commingling  
39 agreement.

40 The initiator of deposit has the obligation to pick up any empty, unbroken and reasonably  
41 clean beverage containers of the particular kind, size and brand sold by the distributor  
42 from dealers to whom that distributor has sold those beverages once every 30 days and  
43 from licensed redemption centers once every 30 days. The initiator of deposit is not

1 obligated to respond to a request to pick up additional containers from a dealer or  
2 licensed redemption center unless or until the dealer or licensed redemption center has  
3 accumulated beverage containers with a minimum total refund value of \$750.

4

#### **SUMMARY**

5       This bill removes the current obligation in rule that requires a distributor to pick up a  
6 redemption center every time the distributor makes a delivery of product to any dealer or  
7 retailer that has an agreement with that redemption center. It replaces that obligation with  
8 a statutory obligation to pick up beverage containers at every redemption center every 30  
9 days and to make additional pick ups when the redemption center has accumulated \$750  
10 worth of beverage containers.