

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 900

H.P. 659

House of Representatives, March 8, 2011

An Act To Reduce Fraud in Bottle Deposit Redemption

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HUNT of Buxton.

Cosponsored by Representative: 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 §1866, sub-§11** is enacted to read:

3 **11. Private right of action; containers not originally sold in the State.** An
4 initiator of deposit may maintain a civil action in Superior Court against a person, other
5 than a redemption center licensed in accordance with section 1871-A, who tenders to a
6 redemption center or retailer more than 48 empty beverage containers that the person
7 knows or has reason to know were not originally sold in this State as filled beverage
8 containers. If the initiator of deposit prevails in any action, the party is entitled to an
9 award of reasonable attorney's fees and court costs, including expert witness fees.

10 **Sec. 2. 32 MRSA §1872, sub-§2**, as enacted by PL 1989, c. 585, Pt. D, §§9 and
11 11, is amended to read:

12 **2. Penalty.** ~~Following the 1st year warning period, a~~ A violation of this section is a
13 civil violation for which a forfeiture of ~~\$20~~ \$100 per container in excess of 48 beverage
14 containers may be adjudged.

15 **Sec. 3. 32 MRSA §1872, sub-§3-A** is enacted to read:

16 **3-A. Private right of action; containers not originally sold in the State.** An
17 initiator of deposit may maintain a civil action in Superior Court against a person, other
18 than a local redemption center licensed in accordance with section 1871-A, in possession
19 of more than 48 beverage containers that the person knows or has reason to know were
20 not originally sold in this State as filled beverage containers. If the initiator of deposit
21 prevails in any action, the party is entitled to an award of reasonable attorney's fees and
22 court costs, including expert witness fees.

23 **SUMMARY**

24 This bill allows an initiator of deposit to bring a civil action against any person, other
25 than a licensed redemption center, who is found in possession of or knowingly tenders to
26 a redemption center or retailer more than 48 beverage containers that were not originally
27 sold in this State.

28 This bill also increases the penalty for possession of containers not originally sold in
29 this State to be consistent with the penalty for tendering such containers and removes the
30 first-year warning period from the penalty provision.