

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1417

H.P. 1043

House of Representatives, April 6, 2011

An Act To Exempt Wine Bottles from Maine's Container Redemption System

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 FITTS of Pittsfield.
Cosponsored by Senator: PLOWMAN of Penobscot.

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

2 **Sec. 1. 32 MRSA §1862, sub-§1**, as amended by PL 2009, c. 110, §1, is further
3 amended to read:

4 **1. Beverage.** "Beverage" means beer, ale or other drink produced by fermenting
5 malt, spirits, ~~wine~~, hard cider, wine coolers, soda or noncarbonated water and all
6 nonalcoholic carbonated or noncarbonated drinks in liquid form and intended for internal
7 human consumption, except for unflavored rice milk, unflavored soymilk, milk and dairy-
8 derived products.

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

11 **§1863-A. Refund value**

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

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

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

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

27 **4. Spirits containers.** For ~~wine and~~ spirits containers of greater than 50 milliliters,
28 the refund value may not be less than 15¢. On January 1, 1993, the department shall
29 issue a finding on the percentages of ~~wine containers and~~ spirits containers returned for
30 deposit. ~~If the department finds the return rate of wine containers was less than 60%~~
31 ~~during the year ending September 1992, then, on July 1, 1993, the refund value on wine~~
32 ~~containers may not be less than 25¢.~~ If the department finds the return rate of spirits
33 containers was less than 60% during the year ending September 1992, then, on July 1,
34 1993, the refund value of spirits containers may not be less than 25¢.

35 **Sec. 3. 32 MRSA §1865, sub-§2**, as repealed and replaced by PL 1991, c. 819,
36 §5, is amended to read:

37 **2. Brand name.** Refillable glass beverage containers of carbonated beverages, for
38 which the deposit is initiated under section 1863-A, subsection 1, that have a refund value

1 of not less than 5¢ and a brand name permanently marked on the container are not
2 required to comply with subsection 1. The exception provided by this subsection does
3 not apply to glass beverage containers that contain spirits, ~~wine~~ or malt liquor as those
4 terms are defined by Title 28-A, section 2.

5 **Sec. 4. 32 MRSA §1866-D, sub-§3, ¶A**, as enacted by PL 2003, c. 499, §8, is
6 amended to read:

7 A. Beer, ale or other beverage produced by fermenting malt, ~~wine~~ and wine coolers;

8 **SUMMARY**

9 This bill exempts wine bottles from the bottle redemption system.