

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1080

S.P. 362

In Senate, March 19, 2013

### **An Act To Improve Efficiency in the Collection of Beverage Containers**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HAMPER of Oxford.

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 D. The initiator of deposit or initiators of deposit who are members of a  
38 commingling agreement have the obligation under this subsection to pick up empty,  
39 unbroken and reasonably clean beverage containers of the particular kind, size and  
40 brand sold by the initiator from dealers to whom a distributor has sold those  
41 beverages and from licensed redemption centers designated to serve those dealers  
42 every 15 days. The initiator of deposit or initiators of deposit who are members of a  
43 commingling agreement have the obligation to make additional pickups when a



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3. Clarifies that all licensed redemption centers are counted when calculating the number of redemption centers in a community.