

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 360

S.P. 100

In Senate, January 24, 2019

An Act To Increase the Reimbursement to Bottle Redemption Centers

(EMERGENCY)

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 TIMBERLAKE of Androscoggin.
Cosponsored by Representative TUCKER of Brunswick and
Senators: BLACK of Franklin, CARSON of Cumberland, DAVIS of Piscataquis, FARRIN of
Somerset, FOLEY of York, KEIM of Oxford, Representatives: CAMPBELL of Orrington,
DEVIN of Newcastle.

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,** this legislation increases the amount that initiators of deposit reimburse
4 dealers and local redemption centers beginning May 1, 2019; and

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

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

10 **Sec. 1. 38 MRSA §3106, sub-§7,** as enacted by PL 2015, c. 166, §14, is amended
11 to read:

12 **7. Reimbursement of handling costs.** Reimbursement of handling costs is
13 governed by this subsection.

14 A. In addition to the payment of the refund value, the initiator of the deposit under
15 section 3103, subsections 1, 2 and 4 shall reimburse the dealer or local redemption
16 center for the cost of handling beverage containers subject to section 3103, in an
17 amount that equals at least 3¢ per returned container for containers picked up by the
18 initiator before March 1, 2004, at least 3 1/2¢ for containers picked up on or after
19 March 1, 2004 and before March 1, 2010 ~~and~~, at least 4¢ for containers picked up on
20 or after March 1, 2010 and before May 1, 2019, at least 5¢ for containers picked up
21 on or after May 1, 2019 and before January 1, 2020 and at least 6¢ for containers
22 picked up on or after January 1, 2020. The initiator of the deposit may reimburse the
23 dealer or local redemption center directly or indirectly through a party with which it
24 has entered into a commingling agreement.

25 B. In addition to the payment of the refund value, the initiator of the deposit under
26 section 3103, subsection 3 shall reimburse the dealer or local redemption center for
27 the cost of handling beverage containers subject to section 3103 in an amount that
28 equals at least 3¢ per returned container for containers picked up by the initiator
29 before March 1, 2004, at least 3 1/2¢ for containers picked up on or after March 1,
30 2004 and before March 1, 2010 ~~and~~, at least 4¢ for containers picked up on or after
31 March 1, 2010 and before May 1, 2019, at least 5¢ for containers picked up on or
32 after May 1, 2019 and before January 1, 2020 and at least 6¢ for containers picked up
33 on or after January 1, 2020. The initiator of the deposit may reimburse the dealer or
34 local redemption center directly or indirectly through a contracted agent or through a
35 party with which it has entered into a commingling agreement.

36 C. The reimbursement that the initiator of the deposit is obligated to pay the dealer or
37 redemption center pursuant to paragraph A or B must be reduced by 1/2¢ for any
38 returned container that is subject to a qualified commingling agreement that allows
39 the dealer or redemption center to commingle beverage containers of like product
40 group, material and size. A commingling agreement is qualified for purposes of this
41 paragraph if the department determines that 50% or more of the beverage containers

1 of like product group, material and size for which the deposits are being initiated in
2 the State are covered by the commingling agreement or that the initiators of deposit
3 covered by the commingling agreement are initiators of deposit for wine containers
4 who each sell no more than 100,000 gallons of wine or 500,000 beverage containers
5 that contain wine in a calendar year. Once the initiator of deposit has established a
6 qualified commingling agreement for containers of a like product group, material and
7 size, the department shall allow additional brands to be included from a different
8 product group if they are of like material. The State, through the Department of
9 Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery
10 Operations, shall make every reasonable effort to enter into a qualified commingling
11 agreement under this paragraph with every other initiator of deposit for beverage
12 containers that are of like product group, size and material as the beverage containers
13 for which the State is the initiator of deposit.

14 D. Paragraphs A, B and C do not apply to a brewer who annually produces no more
15 than 50,000 gallons of its product or a bottler of water who annually sells no more
16 than 250,000 containers each containing no more than one gallon of its product. In
17 addition to the payment of the refund value, an initiator of deposit under section
18 3103, subsections 1 to 4 who is also a brewer who annually produces no more than
19 50,000 gallons of its product or a bottler of water who annually sells no more than
20 250,000 containers each containing no more than one gallon of its product shall
21 reimburse the dealer or local redemption center for the cost of handling beverage
22 containers subject to section 3103 in an amount that equals at least 3¢ per returned
23 container, except that, beginning May 1, 2019, the initiator of deposit shall reimburse
24 the dealer or local redemption center at least 4¢ per returned container and, beginning
25 January 1, 2020, the initiator of deposit shall reimburse the dealer or local redemption
26 center at least 5¢ per returned container.

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

29 **SUMMARY**

30 This bill increases the reimbursement to the dealer or local redemption center for the
31 cost of handling beverage containers by one cent beginning May 1, 2019 and by an
32 additional one cent beginning January 1, 2020.