

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
BUSINESS AND ECONOMIC DEVELOPMENT

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

| | |
|-----------------------------------|---|
| <i>CARRIED OVER</i> | <i>Bill carried over to Second Session</i> |
| <i>CON RES XXX</i> | <i>Chapter # of Constitutional Resolution passed by both Houses</i> |
| <i>CONF CMTE UNABLE TO AGREE</i> | <i>Committee of Conference unable to agree; bill died</i> |
| <i>DIED BETWEEN BODIES</i> | <i>House & Senate disagree; bill died</i> |
| <i>DIED ON ADJOURNMENT</i> | <i>Action incomplete when session ended; bill died</i> |
| <i>EMERGENCY</i> | <i>Enacted law takes effect sooner than 90 days</i> |
| <i>FAILED EMERGENCY ENACTMENT</i> | <i>Emergency bill failed to get 2/3 vote</i> |
| <i>FAILED ENACTMENT</i> | <i>Bill failed to get majority vote</i> |
| <i>FAILED MANDATE ENACTMENT</i> | <i>Bill imposing local mandate failed to get 2/3 vote</i> |
| <i>INDEF PP</i> | <i>Bill Indefinitely Postponed</i> |
| <i>ONTP</i> | <i>Ought Not to Pass report accepted</i> |
| <i>P&S XXX</i> | <i>Chapter # of enacted Private & Special Law</i> |
| <i>PUBLIC XXX</i> | <i>Chapter # of enacted Public Law</i> |
| <i>RESOLVE XXX</i> | <i>Chapter # of enacted Resolve</i> |
| <i>UNSIGNED</i> | <i>Not signed by Governor within 10 days</i> |
| <i>VETO SUSTAINED</i> | <i>Legislature failed to override Governor's Veto</i> |

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

| SPONSOR(S) | COMMITTEE REPORT | | AMENDMENTS ADOPTED |
|-------------------|-------------------------|-----|---------------------------|
| JACQUES | OTP-AM | MAJ | H-498 |
| | ONTP | MIN | H-639 KERR |

SUMMARY

Current law requires each deposit initiator to keep account of all deposits received and deposits reimbursed. On a quarterly basis, each deposit initiator is required to pay to the State one-half of the difference between deposits received and reimbursed. The law appears to require that at the end of each year the State refund the amount of overredemption to a deposit initiator who has paid out more in reimbursements than has been received as deposits. The Treasurer of State, however, has held by rule that only 50% of the overredemption will be returned to deposit initiators. The Treasurer's rationale for limiting the reimbursement to 50% of the minimum deposit is based upon the fact that the State itself has only received 50% of the unclaimed deposits.

This bill repeals the laws relating to unclaimed beverage container deposits.

COMMITTEE AMENDMENT "A" (H-498) phases out the laws relating to unclaimed beverage container deposits, with the exception of laws allowing for any necessary audit and enforcement activity against deposit initiators who failed to meet their prior statutory responsibilities.

This amendment states that reimbursements are to be no greater than 50% of over-redeemed minimum deposits and makes this retroactive by declaring in the Statement of Fact that this was the original intent of the Legislature. The amendment further states that there is no statutory right to any reimbursements for over-redemptions in calendar year 1995.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-639) replaces the fiscal note.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-330) requires the Treasurer of State to pay deposit initiators for a maximum of 50% of documented over-redeemed minimum deposits in calendar year 1995, regardless of whether sufficient revenues from deposits collected during calendar year 1995 remain.

This bill was incorporated into House Amendment "A" (H-628) to LD 706 (Current Services Budget).

LD 700 An Act Concerning Fraudulent Redemptions

PUBLIC 85

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| JACQUES | OTP-AM | H-134 |

SUMMARY

Current law prohibits tendering for redemption more than 240 beverage containers if the person making the tender knows that these containers were not purchased in Maine.

This bill lowers this limit to 48 containers and extends the prohibition to having possession of such containers. It also requires that persons tendering more than 240 containers certify that they were purchased in Maine.

COMMITTEE AMENDMENT "A" (H-134) removes the possession and certification components of the bill, leaving the revised limit of 48 containers. It adds a provision that dealers must post a sign indicating that redemption of containers purchased out of state may be against the law.