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Amend the amendment by inserting after section 3 the following:

Sec. 4. 32 MRSA §1867, sub-§3, as amended by PL 2001, c. 661, §6, is further amended to read:

3. Approval. The commissioner ~~shall~~may approve the licensing of a local redemption center if the redemption center complies with the requirements established under section 1871-A. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.

Sec. 5. 32 MRSA §1871-A, sub-§2, as enacted by PL 2001, c. 661, §9, is amended to read:

2. Criteria for licensing rules. In developing rules under subsection 1 for licensing redemption centers, the department shall consider at least the following:

A. The health and safety of the public, including sanitation protection when food is also sold on the premises; and

B. The convenience for the public, including standards governing the distribution of centers by population or by distance, or both;

C. The proximity of the proposed redemption center to existing redemption centers and the potential impact the location of the proposed redemption center may have on an existing redemption center;

D. The owner's record of compliance with this chapter and rules adopted by the department pursuant to this chapter; and

E. The hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center.

Sec. 6. 32 MRSA §1871-A, sub-§3 is enacted to read:

3. Location of redemption centers. The department may grant a license to a redemption center if the following requirements are met:

A. The department may license up to 6 redemption centers in a municipality with a population over 30,000;

B. The department may license up to 4 redemption centers in a municipality with a population over 20,000 but no more than 30,000;

C. The department may license up to 3 redemption centers in a municipality with a population over 5,000 but no more than 20,000; and

D. The department may license no more than one redemption center in a municipality with a population of no more than 5,000.

Sec. 7. 32 MRSA §1871-A, sub-§4 is enacted to read:

4. Exception to location requirement. The following are exceptions to the population size location requirements of subsection 3.

A. The requirements of subsection 3 do not apply to an owner who is renewing or selling the license of a redemption center licensed by the department as of September 1, 2007.

B. The requirements of subsection 3 do not apply to an entity that is a food establishment licensed by the department or an eating establishment that is licensed by the Department of Health and Human Services when the redemption of beverage containers accounts for less than 25% of the entity's total yearly gross revenue.

C. A reverse vending machine may not be considered a redemption center for purposes of subsection 3 when it is located in a licensed redemption center.

D. The department may grant a license that is inconsistent with the requirements set out in subsection 3 only if the applicant has demonstrated a compelling public need for an additional redemption center in the municipality.

Sec. 8. 32 MRSA §1871-D is enacted to read:

§ 1871-D. Denial of redemption center license

1. Denial of application. The department shall notify an applicant denied a license of the reasons for the denial. Written notification must be sent to the mailing address given by the applicant in the application for a redemption center license.

2. Aggrieved applicants. Any applicant aggrieved by a decision made by the department may appeal the decision by filing an appeal with the District Court and serving a copy of the appeal upon the department in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal must be filed and served within 30 days of the mailing of the department's decision.'

SUMMARY

This amendment adds language from Legislative Document 1600 as amended by Committee Amendment "A" that limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality.