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An Act To Allocate Redemption Centers Based on Population

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

Sec. 1. 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. 2. 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 proposed redemption center's 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 of existing redemption centers in the proximity of the proposed redemption center.

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

3. Location of redemption centers. The department may grant licenses to redemption centers as set out under this subsection.

A. The department may license up to 5 redemption centers in a municipality with a population over 30,000.

B. The department may license up to 3 redemption centers in a municipality with a population over 20,000 but no more than 30,000.

C. The department may license up to 2 redemption centers in a municipality with a population over 5,000 but no more than 20,000.

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

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

4. Exception to location requirements. This subsection sets out exceptions to the requirements of subsection 3.

A. Subsection 3 does not apply to a redemption center that was licensed under this chapter on September 1, 2007 that is renewing its license or being sold.

B. Subsection 3 does not apply to an entity that is a food establishment licensed under this Title or an eating establishment that is licensed under Title 22 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 redemption center licensed under this chapter.

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

Sec. 5. 32 MRSA §1871-D is enacted to read:

§ 1871-D. Denial of redemption center license

1. Denial of application. If the department denies an application for a redemption center license under this chapter, the department shall notify the applicant the reason for the denial. The notification must be written and sent to the mailing address given by the applicant in the application for a license.

2. Aggrieved applicants. An applicant may appeal the denial of a license under this section 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 notice of denial under subsection 1.

SUMMARY

This bill amends the licensing of local redemption centers by requiring the Department of Agriculture, Food and Rural Resources to consider the proximity of a proposed redemption center to existing redemption centers. The bill also limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain licensed food establishments and reverse vending machines located in a redemption center and may be waived if the applicant shows a compelling public need for another redemption center.

The bill also provides a procedure for an applicant denied a redemption center license to appeal that denial.