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An Act To Increase the Amount of the Deposit on Returnable Beverage Containers

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

Sec. 1. 32 MRSA §1863-A, as enacted by PL 1991, c. 819, §3, is amended to read:

§ 1863-A. Refund value

To encourage container reuse and recycling, every beverage container sold or offered for sale to a consumer in this State must have a deposit and refund value. The deposit and refund value are determined according to the provisions of this section.

1. Refillable containers. For refillable beverage containers, except wine and spirits containers, the manufacturer shall determine the deposit and refund value according to the type, kind and size of the beverage container. The deposit and refund value may not be less than ~~5¢~~10¢.

2. Nonrefillable containers; exclusive distributorships. For nonrefillable beverage containers, except wine and spirits containers, sold through geographically exclusive distributorships, the distributor shall determine and initiate the deposit and refund value according to the type, kind and size of the beverage container. The deposit and refund value ~~must~~may not be less than ~~5¢~~10¢.

3. Nonrefillable containers; nonexclusive distributorships. For nonrefillable beverage containers, except wine and spirits containers, not sold through geographically exclusive distributorships, the deposit and refund value may not be less than ~~5¢~~10¢.

4. Wine and spirits containers. For wine and spirits containers of greater than 50 milliliters, the refund value may not be less than ~~15¢~~20¢. On January 1, 1993, the department shall issue a finding on the percentages of wine containers and spirits containers returned for deposit. If the department finds the return rate of wine containers was less than 60% during the year ending September 1992, then, on July 1, 1993, the refund value on wine containers may not be less than 25¢. If the department finds the return rate of spirits containers was less than 60% during the year ending September 1992, then, on July 1, 1993, the refund value of spirits containers may not be less than 25¢.

Sec. 2. 32 MRSA §1866-E, sub-§4, as amended by PL 2003, c. 700, §2 and affected by §6, is further amended to read:

4. Transfer of abandoned deposit amounts. By the 20th day of each month, an initiator shall turn over to the State Tax Assessor the initiator's abandoned deposit amounts determined pursuant to subsection 3. Those amounts may be paid from the deposit transaction fund. Amounts collected by the assessor pursuant to this subsection must be treated by the assessor as a tax, as that term is defined by

Title 36, section 111, subsection 5, and must be deposited in the General Fund, and of those amounts 5¢ per nonrefillable container as reported under subsection 2 must be directed toward the cost of the total allocation for kindergarten to grade 12 education under Title 20-A, section 15752.

SUMMARY

This bill raises the refund value on nonrefillable beverage containers by 5¢ and directs the State Tax Assessor to apply the increase in revenue from unclaimed deposits as a result of this bill toward the cost of the total allocation for kindergarten to grade 12 education.