



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 900

H.P. 659

House of Representatives, March 8, 2011

### An Act To Reduce Fraud in Bottle Deposit Redemption

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HUNT of Buxton.

Cosponsored by Representative: PRESCOTT of Topsham, Senator: RECTOR of Knox.

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

2 **Sec. 1. 32 MRSA §1866, sub-§11** is enacted to read:

3 **11. Private right of action; containers not originally sold in the State.** An  
4 initiator of deposit may maintain a civil action in Superior Court against a person, other  
5 than a redemption center licensed in accordance with section 1871-A, who tenders to a  
6 redemption center or retailer more than 48 empty beverage containers that the person  
7 knows or has reason to know were not originally sold in this State as filled beverage  
8 containers. If the initiator of deposit prevails in any action, the party is entitled to an  
9 award of reasonable attorney's fees and court costs, including expert witness fees.

10 **Sec. 2. 32 MRSA §1872, sub-§2**, as enacted by PL 1989, c. 585, Pt. D, §§9 and  
11 11, is amended to read:

12 **2. Penalty.** ~~Following the 1st year warning period, a~~ A violation of this section is a  
13 civil violation for which a forfeiture of ~~\$20~~ \$100 per container in excess of 48 beverage  
14 containers may be adjudged.

15 **Sec. 3. 32 MRSA §1872, sub-§3-A** is enacted to read:

16 **3-A. Private right of action; containers not originally sold in the State.** An  
17 initiator of deposit may maintain a civil action in Superior Court against a person, other  
18 than a local redemption center licensed in accordance with section 1871-A, in possession  
19 of more than 48 beverage containers that the person knows or has reason to know were  
20 not originally sold in this State as filled beverage containers. If the initiator of deposit  
21 prevails in any action, the party is entitled to an award of reasonable attorney's fees and  
22 court costs, including expert witness fees.

23 **SUMMARY**

24 This bill allows an initiator of deposit to bring a civil action against any person, other  
25 than a licensed redemption center, who is found in possession of or knowingly tenders to  
26 a redemption center or retailer more than 48 beverage containers that were not originally  
27 sold in this State.

28 This bill also increases the penalty for possession of containers not originally sold in  
29 this State to be consistent with the penalty for tendering such containers and removes the  
30 first-year warning period from the penalty provision.