



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1417

H.P. 1043

House of Representatives, April 6, 2011

### **An Act To Exempt Wine Bottles from Maine's Container Redemption System**

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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 FITTS of Pittsfield.  
Cosponsored by Senator: PLOWMAN of Penobscot.

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

2 **Sec. 1. 32 MRSA §1862, sub-§1**, as amended by PL 2009, c. 110, §1, is further  
3 amended to read:

4 **1. Beverage.** "Beverage" means beer, ale or other drink produced by fermenting  
5 malt, spirits, ~~wine~~, hard cider, wine coolers, soda or noncarbonated water and all  
6 nonalcoholic carbonated or noncarbonated drinks in liquid form and intended for internal  
7 human consumption, except for unflavored rice milk, unflavored soymilk, milk and dairy-  
8 derived products.

9 **Sec. 2. 32 MRSA §1863-A**, as enacted by PL 1991, c. 819, §3, is amended to  
10 read:

11 **§1863-A. Refund value**

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

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

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

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

27 **4. Spirits containers.** For ~~wine and~~ spirits containers of greater than 50 milliliters,  
28 the refund value may not be less than 15¢. On January 1, 1993, the department shall  
29 issue a finding on the percentages of ~~wine containers and~~ spirits containers returned for  
30 deposit. ~~If the department finds the return rate of wine containers was less than 60%~~  
31 ~~during the year ending September 1992, then, on July 1, 1993, the refund value on wine~~  
32 ~~containers may not be less than 25¢.~~ If the department finds the return rate of spirits  
33 containers was less than 60% during the year ending September 1992, then, on July 1,  
34 1993, the refund value of spirits containers may not be less than 25¢.

35 **Sec. 3. 32 MRSA §1865, sub-§2**, as repealed and replaced by PL 1991, c. 819,  
36 §5, is amended to read:

37 **2. Brand name.** Refillable glass beverage containers of carbonated beverages, for  
38 which the deposit is initiated under section 1863-A, subsection 1, that have a refund value

1 of not less than 5¢ and a brand name permanently marked on the container are not  
2 required to comply with subsection 1. The exception provided by this subsection does  
3 not apply to glass beverage containers that contain spirits, ~~wine~~ or malt liquor as those  
4 terms are defined by Title 28-A, section 2.

5 **Sec. 4. 32 MRSA §1866-D, sub-§3, ¶A**, as enacted by PL 2003, c. 499, §8, is  
6 amended to read:

7 A. Beer, ale or other beverage produced by fermenting malt, ~~wine~~ and wine coolers;

8 **SUMMARY**

9 This bill exempts wine bottles from the bottle redemption system.