



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1080

S.P. 362

In Senate, March 19, 2013

An Act To Improve Efficiency in the Collection of Beverage Containers

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HAMPER of Oxford.

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

2 **Sec. 1. 32 MRSA §1866, sub-§5**, as amended by PL 2003, c. 499, §7, is further
3 amended to read:

4 **5. Obligation to pick up containers.** The obligation to pick up beverage containers
5 subject to this chapter is determined as follows.

6 A. A distributor that initiates the deposit under section 1863-A, subsection 2 or 4 has
7 the obligation to pick up any empty, unbroken and reasonably clean beverage
8 containers of the particular kind, size and brand sold by the distributor from dealers to
9 whom that distributor has sold those beverages and from licensed redemption centers
10 designated to serve those dealers pursuant to an order entered under section 1867. A
11 distributor that, within this State, sells beverages under a particular label exclusively
12 to one dealer, which dealer offers those labeled beverages for sale at retail
13 exclusively at the dealer's establishment, shall pick up any empty, unbroken and
14 reasonably clean beverage containers of the kind, size and brand sold by the
15 distributor to the dealer only from those licensed redemption centers that serve the
16 various establishments of the dealer, under an order entered under section 1867. A
17 dealer that manufactures its own beverages for exclusive sale by that dealer at retail
18 has the obligation of a distributor under this section. The commissioner may
19 establish by rule, in accordance with the Maine Administrative Procedure Act,
20 criteria prescribing the manner in which distributors shall fulfill the obligations
21 imposed by this paragraph. The rules may establish a minimum number or value of
22 containers below which a distributor is not required to respond to a request to pick up
23 empty containers. Any rules promulgated under this paragraph must allocate the
24 burdens associated with the handling, storage and transportation of empty containers
25 to prevent unreasonable financial or other hardship.

26 B. The initiator of the deposit under section 1863-A, subsection 3 has the obligation
27 to pick up any empty, unbroken and reasonably clean beverage containers of the
28 particular kind, size and brand sold by the initiator from dealers to whom a distributor
29 has sold those beverages and from licensed redemption centers designated to serve
30 those dealers pursuant to an order entered under section 1867. The obligation may be
31 fulfilled by the initiator directly or indirectly through a contracted agent.

32 C. An initiator of the deposit under section 1863-A, subsection 2, 3 or 4 has the
33 obligation to pick up any empty, unbroken and reasonably clean beverage containers
34 that are commingled pursuant to a commingling agreement along with any beverage
35 containers that the initiator is otherwise obligated to pick up pursuant to paragraphs A
36 and B.

37 D. The initiator of deposit or initiators of deposit who are members of a
38 commingling agreement have the obligation under this subsection to pick up empty,
39 unbroken and reasonably clean beverage containers of the particular kind, size and
40 brand sold by the initiator from dealers to whom a distributor has sold those
41 beverages and from licensed redemption centers designated to serve those dealers
42 every 15 days. The initiator of deposit or initiators of deposit who are members of a
43 commingling agreement have the obligation to make additional pickups when a

1 redemption center has collected 10,000 beverage containers from that initiator of
2 deposit or from the initiators of deposit who are members of a commingling
3 agreement.

4 The obligation of the initiator of the deposit under this subsection may be fulfilled by the
5 initiator directly or through a party with which it has entered into a commingling
6 agreement. A contracted agent hired to pick up beverage containers for one or more
7 initiators of deposit is deemed to have made a pickup at a redemption center for those
8 initiators of deposit when it picks up beverage containers belonging to those initiators of
9 deposit.

10 **Sec. 2. 32 MRSA §1866, sub-§12** is enacted to read:

11 **12. Audits.** A distributor or its designated agent may conduct an audit of the
12 beverage containers presented for acceptance by a redemption center at that redemption
13 center after accepting those beverage containers. The plastic bags containing beverage
14 containers to be audited must be identified by the distributor upon acceptance and must
15 constitute a minimum of 10% of the total beverage containers designated by the
16 redemption center for acceptance. The audit must conform to the Maine Weights and
17 Measures Law, except that the opportunity to correct a deficiency or overage does not
18 apply. If there is a deficiency or overage, the ratio of actual, refund-eligible containers to
19 the reported total from the redemption center for the plastic bags audited must be used to
20 adjust refund and handling fee payments to the redemption center for the total amount
21 presented for acceptance. The initiator of deposit shall notify the department of the
22 results of any audit if an adjustment to the reported total of beverage containers has been
23 made.

24 **Sec. 3. 32 MRSA §1871-A, first ¶**, as enacted by PL 2001, c. 661, §9, is
25 amended to read:

26 A license issued annually by the department is required before any person may
27 initiate deposits under section 1863-A, operate a redemption center under section 1867 or
28 act as a contracted agent for the collection of beverage containers under section 1866,
29 subsection 5, paragraph B. Notwithstanding any other provisions of this chapter to the
30 contrary, the following provisions apply to all licensed redemption centers.

31 SUMMARY

32 This bill:

33 1. Requires that collections from redemption centers be made by a distributor or
34 commingling group of distributors every 15 days and requires additional pickups to be
35 made when the redemption center has more than 10,000 beverage containers from that
36 distributor or group of distributors;

37 2. Establishes a process that permits an audit of the plastic bags containing beverage
38 containers submitted for acceptance to a distributor; and

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3. Clarifies that all licensed redemption centers are counted when calculating the number of redemption centers in a community.