

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Preserve the Recycling Value of Beverage Containers'**

Amend the bill by striking out all of sections 3 to 7 and inserting the following:

**'Sec. 3. 32 MRSA §1866, sub-§3-A** is enacted to read:

**3-A. Obligation to preserve recycling value.** Notwithstanding subsection 5, a distributor or its agent may refuse to accept, or pay the refund value and handling costs to a dealer, redemption center or other person for, a beverage container that has been processed by a reverse vending machine in a way that has reduced the recycling value of the container below current market value. This subsection may not be interpreted to prohibit a written processing agreement between a distributor and a dealer or redemption center and does not relieve a distributor of its obligation under subsection 5 to accept empty, unbroken and reasonably clean beverage containers. The department shall adopt rules to establish the recycling value of beverage containers under this subsection and the rules may authorize the use of a 3rd-party vendor to determine if a beverage container has been processed by a reverse vending machine in a manner that has reduced the recycling value below current market value. The rules must outline the method of allocating among the parties involved the payment for 3rd-party vendor costs. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 32 MRSA §1866, sub-§9** is enacted to read:

**9. License revocation.** The department may revoke the license of a dealer or redemption center that has been adjudged to have committed a violation of this section.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment removes provisions in the bill proposing that distributors be required to pick up similar quantities of beverage containers as were sold to dealers or their redemption centers and provisions proposing to require that persons redeeming more than 1,000 empty containers sign a declaration indicating that those containers were collected in Maine.

The amendment clarifies provisions in the bill allowing distributors to refuse to accept beverage containers processed in a way that has reduced the container's value below current market recycling value. Distributors are still required, under existing law, to accept beverage containers that are empty, unbroken and reasonably clean. The Department of Agriculture, Food and Rural Resources is directed to adopt routine technical rules establishing the method for determining the current market recycling value of beverage containers. Those rules may authorize the use of a 3rd-party vendor to make that determination and must prescribe how payment for those 3rd-party vendor costs will be allocated among the parties involved.

The amendment also clarifies that the Department of Agriculture, Food and Rural Resources may revoke a dealer or redemption center license if the dealer or redemption center is adjudged to have committed a violation of the laws pertaining to the acceptance of empty beverage containers and the payment of refund values and handling fees.