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An Act To Preserve the Recycling Value of Beverage Containers

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

Sec. 1. 32 MRSA §1862, sub-§12-E, as enacted by PL 2003, c. 499, §3, is amended to read:

12-E. Reverse vending machine. "Reverse vending machine" means an automated device that uses a laser scanner and microprocessor to accurately recognize the universal product code on containers and to accumulate information regarding containers redeemed, enabling the reverse vending machine to accept containers from redeemers and to issue script for the containers' refund value. "Reverse vending machine" does not include a hand scanner or other similar device.

Sec. 2. 32 MRSA §1865, sub-§4 is enacted to read:

4. Removal of product. A product that is sold or distributed in the State that is not in compliance with the initiator of deposit or the labeling registration requirements established in this section may be removed from sale by the department.

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.

Sec. 5. 32 MRSA §1867, sub-§4, as amended by PL 2001, c. 661, §7, is further amended to read:

4. Redemption center acceptance refund account. A local redemption center may not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by a dealer served by the center as long as the label for the container is registered under section 1865, subsection 3 or refuse to pay in cash the refund value of the returned beverage container as established by section 1863-A. A redemption center or reverse vending machine is not obligated to count containers or to pay a cash refund at the time the beverage

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container is returned as long as the amount of the refund value due is placed into an account to be held for the benefit of the customer and funded in a manner that allows the customer to obtain deposits due within 2 business days of the time of the return.

Effective September 20, 2007