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An Act To Allocate the Number of Redemption Centers Based on Population

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

Sec. 1. 32 MRSA §1867, sub-§3, as amended by PL 2001, c. 661, §6, is further amended to read:

3. Approval. The commissioner ~~shall~~may approve the licensing of a local redemption center if the redemption center complies with the requirements established under section 1871-A. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.

Sec. 2. 32 MRSA §1871-A, sub-§1, as corrected by RR 2001, c. 2, Pt. A, §41, is amended to read:

1. Procedures; licensing fees. The department shall adopt rules establishing the requirements and procedures for issuance of licenses and annual renewals under this section, including a fee structure, and for the selection, licensing and operation of redemption centers. Initial rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted effective after calendar year 2003 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and are subject to review by the joint standing committee of the Legislature having jurisdiction over business and economic development matters.

Sec. 3. 32 MRSA §1871-A, sub-§2, as enacted by PL 2001, c. 661, §9, is amended to read:

2. Criteria for licensing rules. In developing rules under subsection 1 for licensing redemption centers, the department shall consider at least the following:

A. The health and safety of the public, including sanitation protection when food is also sold on the premises; ~~and~~

B. The convenience for the public, including standards governing the distribution of centers by population or by distance, or both;:

C. The proximity of the proposed redemption center to existing redemption centers and the potential impact the location of the proposed redemption center may have on an existing redemption center;

D. The owner's record of compliance with this chapter and rules adopted by the department pursuant to this chapter; and

E. The hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center.

Sec. 4. 32 MRSA §1871-A, sub-§3 is enacted to read:

3. Location of redemption centers. The department may grant a license to a redemption center if the following requirements are met:

- A. The department may license up to 6 redemption centers in a municipality with a population over 20,000;
- B. The department may license up to 3 redemption centers in a municipality with a population over 3,000 but no more than 20,000; and
- C. The department may establish no more than one redemption center in a municipality with a population of no more than 3,000.

Sec. 5. 32 MRSA §1871-A, sub-§4 is enacted to read:

4. Exception to location requirement. The following are exceptions to the population size location requirements of subsection 3.

- A. The requirements of subsection 3 do not apply to an owner who is renewing or selling the license of a redemption center licensed by the department as of July 1, 2007.
- B. The requirements of subsection 3 do not apply to an entity that is a food establishment licensed by the department when the redemption of beverage containers accounts for less than 25% of the entity's total yearly gross revenue.
- C. A reverse vending machine may not be considered a redemption center for purposes of subsection 3 when it is located in a licensed redemption center.
- D. The department may grant a license that is inconsistent with the requirements set out in subsection 3 only if the applicant has demonstrated a compelling public need for an additional redemption center in the municipality.

Sec. 6. 32 MRSA §1871-D is enacted to read:

§ 1871-D. Denial of redemption center license

1. Denial of application. The department shall notify an applicant denied a license of the reasons for the denial. Written notification must be sent to the mailing address given by the applicant in the application for a redemption center license.

2. Aggrieved applicants. Any applicant aggrieved by a decision made by the department may appeal the decision by filing an appeal with the District Court and serving a copy of the appeal upon the department in accordance with the Maine Rules of Civil Procedure, Rule 80C. The appeal must be filed and served within 30 days of the mailing of the department's decision.

SUMMARY

The bill amends the licensing of local redemption centers by requiring the Department of Professional and Financial Regulation to consider the proximity of a proposed redemption center to existing redemption centers. The bill also limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain licensed food establishments and reverse vending machines located in a redemption center and may be waived if the applicant shows a compelling need for another redemption center.

The bill also provides a procedure for an applicant denied a license to appeal that denial.