§1865. LABELS; STAMPS; BRAND NAMES

1. **Labels.** Except as provided under subsections 1-A and 2, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by embossing, stamping, labeling or other method of secure attachment to the beverage container. The refund value may not be indicated on the bottom of the container. Metal beverage containers must be embossed or stamped on the top of the container.

[1991, c. 491, §1 (AMD) .]

1-A. **Labels; nonrefillable containers; nonexclusive distributorships.** With respect to nonrefillable beverage containers the deposits for which are initiated pursuant to section 1863-A, subsection 3, the refund value and the word "Maine" or the abbreviation "ME" must be clearly indicated on every refundable beverage container sold or offered for sale by a dealer in this State, by permanently embossing or permanently stamping the beverage containers, except in instances when the initiator of the deposit has specific permission from the department to use stickers or similar devices. The refund value may not be indicated on the bottom of the container. Metal beverage containers must be permanently embossed or permanently stamped on the tops of the containers.

[1991, c. 819, §4 (AMD) .]

1-B. **Labels; nonrefillable containers; exclusive distributorships.** Notwithstanding subsection 1 and with respect to nonrefillable beverage containers, for the deposits that are initiated pursuant to section 1863-A, subsection 2, the refund value and the word "Maine" or the abbreviation "ME" may be clearly indicated on refundable beverage containers sold or offered for sale by a dealer in this State by use of stickers or similar devices if those containers are not otherwise marked in accordance with subsection 1. A redemption center shall accept containers identified by stickers in accordance with this subsection or by embossing or stamping in accordance with subsection 1.

[1995, c. 437, §1 (NEW) .]

2. **Brand name.** Refillable glass beverage containers of carbonated beverages, for which the deposit is initiated under section 1863-A, subsection 1, that have a refund value of not less than 5¢ and a brand name permanently marked on the container are not required to comply with subsection 1. The exception provided by this subsection does not apply to glass beverage containers that contain spirits, wine or malt liquor as those terms are defined by Title 28-A, section 2.

[1991, c. 819, §5 (RPR) .]

3. **Label registration.** An initiator of deposit shall register the container label of any beverage offered for sale in the State on which it initiates a deposit. Registration must be on forms or in an electronic format provided by the department and must include the universal product code for each combination of beverage and container manufactured. The initiator of deposit shall renew a label registration annually and whenever that label is revised by altering the universal product code or whenever the container on which it appears is changed in size, composition or glass color. The initiator of deposit shall also include as part of the registration the method of collection for that type of container, identification of a collection agent, identification of all of the parties to a commingling agreement that applies to the container and proof of

the collection agreement. The department may charge a fee for registration and registration renewals under this subsection. Rules adopted pursuant to this subsection that establish fees are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and subject to review by the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters.

[2011, c. 429, §1 (AMD) .]

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.

[2007, c. 299, §2 (NEW) .]

SECTION HISTORY
1975, c. 739, §16 (NEW). 1989, c. 427, §§1,2 (AMD). 1989, c. 817, §3 (AMD). 1989, c. 869, §§C3,15 (AMD). 1991, c. 491, §§1,2 (AMD). 1991, c. 819, §§4,5 (AMD). 1995, c. 437, §1 (AMD). 2001, c. 661, §3 (AMD). 2003, c. 499, §4 (AMD). 2007, c. 299, §2 (AMD). 2011, c. 429, §1 (AMD).

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