

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

## **An Act To Create Fairness in the Redemption of Beverage Containers**

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

**Sec. 1. 38 MRSA §3106, sub-§2**, as enacted by PL 2015, c. 166, §14, is amended to read:

**2. Permissive refusal by dealer.** ~~A~~Except as provided in subsection 2-A, a dealer may refuse to accept from a consumer or other person and to pay the refund value on any beverage container, if the place of business of the dealer and the kind, size and brand of beverage container are included in an order of the department approving a redemption center under section 3109.

**Sec. 2. 38 MRSA §3106, sub-§2-A** is enacted to read:

**2-A. Prohibited refusal by dealer.** Notwithstanding subsection 2 and in accordance with the requirements of this subsection, if no redemption center approved by the department under section 3109 is located within 5 miles from the property line of a dealer, the dealer may not refuse to accept from a consumer or other person and to pay the refund value on any beverage container that was sold by the dealer.

A. A dealer subject to the requirements of this subsection shall affix to the beverage containers it sells a sticker or similar device that indicates the beverage container is sold by the dealer, except that prior to affixing a sticker or similar device to any beverage container, the dealer must submit the sticker or similar device to and receive written approval from the department to use the sticker or similar device. The dealer may refuse to accept from a consumer or other person and to pay the refund value on any beverage container that does not have affixed to it the dealer's sticker or similar device approved by the department pursuant to this paragraph.

B. Notwithstanding subsection 4, a dealer subject to the requirements of this subsection may refuse to accept beverage containers during:

(1) No more than 50% of the business days that the dealer is open weekly; or

(2) No more than 2 hours of each business day that the dealer is open if the dealer accepts beverage containers on all business days that the dealer is open.

If a dealer restricts the hours or days during which the dealer accepts beverage containers, the hours or days during which the dealer will not accept containers must be conspicuously posted.

## **SUMMARY**

This bill amends the bottle redemption laws to require a dealer to accept from a consumer or other person and to pay the refund value on any beverage container that was sold by the dealer if no approved bottle redemption centers are located within 5 miles from the property line of the dealer. Subject to prior approval of the Department of Environmental Protection, a dealer shall affix to the beverage containers it sells a sticker or similar device indicating that the beverage container is sold by the dealer and may refuse to accept from a consumer or other person and to pay the refund value on any beverage container that does not have the sticker or similar device affixed to it. A dealer may also limit the hours or days on which it accepts beverage containers for redemption.

Under the bottle redemption laws, a dealer is a person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, and a dealer may, but is not currently required to, accept from a consumer or other person and pay the refund value on any beverage container.