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No. 291

H.P. 200

House of Representatives, February 7, 2013

**An Act To Transfer Responsibility for the Returnable Beverage
Container Laws from the Department of Agriculture, Conservation
and Forestry to the Department of Environmental Protection**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative COOPER of Yarmouth.

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

2 **Sec. 1. 32 MRSA §1862, sub-§3**, as amended by PL 1979, c. 731, §19 and PL
3 2011, c. 657, Pt. W, §6, is further amended to read:

4 **3. Commissioner.** "Commissioner" means the Commissioner of ~~Agriculture,~~
5 ~~Conservation and Forestry~~ Environmental Protection.

6 **Sec. 2. 32 MRSA §1862, sub-§6**, as amended by PL 1979, c. 731, §19 and PL
7 2011, c. 657, Pt. W, §5, is further amended to read:

8 **6. Department.** "Department" means the Department of ~~Agriculture, Conservation~~
9 ~~and Forestry~~ Environmental Protection.

10 **Sec. 3. Transition.** The following provisions govern the transfer of the
11 administration of the provisions regarding returnable beverage containers under the
12 Maine Revised Statutes, Title 32, chapter 28 from the Department of Agriculture,
13 Conservation and Forestry to the Department of Environmental Protection.

14 1. The Department of Environmental Protection is the successor in every way to the
15 powers, duties and functions of the Department of Agriculture, Conservation and Forestry
16 under Title 32, chapter 28.

17 2. All existing rules, regulations and procedures in effect, in operation or adopted by
18 the Department of Agriculture, Conservation and Forestry or any of its administrative
19 units or officers pursuant to Title 32, chapter 28 are hereby declared in effect and
20 continue in effect until rescinded, revised or amended by the proper authority.

21 3. All existing contracts, agreements and compacts in effect under the authority of
22 the Department of Agriculture, Conservation and Forestry under Title 32, chapter 28
23 continue in effect.

24 4. Any positions authorized and allocated subject to the personnel laws to the
25 Department of Agriculture, Conservation and Forestry for the purposes of Title 32,
26 chapter 28 are transferred to the Department of Environmental Protection and may
27 continue to be authorized.

28 5. All records, property and equipment belonging to or allocated for the use of the
29 Department of Agriculture, Conservation and Forestry for the purposes of Title 32,
30 chapter 28 become, on the effective date of this Act, part of the property of the
31 Department of Environmental Protection.

32 6. All existing forms, licenses, letterheads and similar items bearing the name of or
33 referring to the Department of Agriculture, Conservation and Forestry used for the
34 purposes of Title 32, chapter 28 may be used by the Department of Environmental
35 Protection until existing supplies of those items are exhausted.

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SUMMARY

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This bill transfers administration of the provisions regarding returnable beverage containers from the Department of Agriculture, Conservation and Forestry to the Department of Environmental Protection.

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