

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 Reduce Fraud in Bottle Deposit Redemption

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

Sec. 1. 32 MRSA §1866, sub-§11 is enacted to read:

11. Private right of action; containers not originally sold in the State. An initiator of deposit may maintain a civil action in Superior Court against a person, other than a redemption center licensed in accordance with section 1871A, who tenders to a redemption center or retailer more than 48 empty beverage containers that the person knows or has reason to know were not originally sold in this State as filled beverage containers. If the initiator of deposit prevails in any action, the party is entitled to an award of reasonable attorney's fees and court costs, including expert witness fees.

Sec. 2. 32 MRSA §1872, sub-§2, as enacted by PL 1989, c. 585, Pt. D, §§9 and 11, is amended to read:

2. Penalty. ~~Following the 1st year warning period, a~~ violation of this section is a civil violation for which a forfeiture of ~~\$20~~\$100 per container in excess of 48 beverage containers may be adjudged.

Sec. 3. 32 MRSA §1872, sub-§3-A is enacted to read:

3-A. Private right of action; containers not originally sold in the State. An initiator of deposit may maintain a civil action in Superior Court against a person, other than a local redemption center licensed in accordance with section 1871A, in possession of more than 48 beverage containers that the person knows or has reason to know were not originally sold in this State as filled beverage containers. If the initiator of deposit prevails in any action, the party is entitled to an award of reasonable attorney's fees and court costs, including expert witness fees.

SUMMARY

This bill allows an initiator of deposit to bring a civil action against any person, other than a licensed redemption center, who is found in possession of or knowingly tenders to a redemption center or retailer more than 48 beverage containers that were not originally sold in this State.

This bill also increases the penalty for possession of containers not originally sold in this State to be consistent with the penalty for tendering such containers and removes the firstyear warning period from the penalty provision.