HOUSE DOCKET, NO. 34 FILED ON: 1/5/2011

HOUSE . . . . . No. 883

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to expand the bottle bill..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. Stanley	*9th Middlesex*
Geraldo Alicea	*6th Worcester*
Edward F. Coppinger	*10th Suffolk*
John P. Fresolo	*16th Worcester*
Sean Garballey	*23rd Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*
Tom Sannicandro	*7th Middlesex*

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By Mr. Stanley of Waltham, a petition (accompanied by bill, House, No. 883) of Thomas M. Stanley and others for legislation to expand the definition of "beverage containers" under the bottle bill, so-called. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3125* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to expand the bottle bill..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 321 of Chapter 94 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition for “beverage”, and inserting in place thereof the following definition:—

“Beverage”, flavored and unflavored water, spring water, vitamin water, and other non-carbonated water beverages, soda water or similar carbonated soft drinks; mineral water, and beer and other malt beverages; but shall not include alcoholic beverages other than beer and malt beverages as defined in chapter 138, dairy products, natural fruit juices or wine.

SECTION 2. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by striking out the words “sixteen fluid ounces or more, but less than five gallons”, beginning in line 30, and inserting in place thereof the following the words:- “equal to or greater than four ounces but less than or equal to one hundred and twenty-eight ounces.”

SECTION 3. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006 Official Edition is hereby amended by striking the words “eight ounces or more but less than five gallons”, in line 35, and inserting in place thereof the following words:- “equal to or greater than four ounces but less than or equal to one hundred and twenty-eight ounces.”

SECTION 4. Section 323 of Chapter 94 of the General Laws as appearing in the 2006 Official Edition is hereby amended by striking out subsection (h) and adding in place thereof the following:- (h) Any bottler or distributor who is subject to the provisions of paragraphs (c), (d) or (e) shall maintain a separate account to be known as the Deposit Transaction Fund. Said fund shall be kept separate from all other revenues and accounts. Each bottler or distributor shall place in said fund the refund value for all non-reusable beverage containers excluding those beverage containers containing flavored and unflavored water, spring water, vitamin water, and other non-carbonated water beverages it sells subject to the provisions of this chapter. Any bottler or distributor who is subject to the provisions of paragraphs (c), (d) or (e) shall also maintain a separate account to be known as the Water and Wastewater Infrastructure Fund. Said fund shall be kept separate from all other revenues and accounts. Each bottler or distributor shall place in said fund the refund value for all non-reusable beverage containers containing flavored and unflavored water, spring water, vitamin water, and other non-carbonated water beverages.

Except as specified in section three hundred and twenty-three D, amounts in such fund may only be expended to pay refund values paid after December thirty-first, nineteen hundred and eighty-nine for returned non-reusable beverage containers pursuant to paragraphs (c), (d) and (e). Amounts in such fund shall not be used to pay the handling fees required by paragraphs (c), (d) and (e). Each such fund shall be maintained by said bottlers and distributors on behalf of consumers who have purchased refundable non-reusable beverage containers and on behalf of the commonwealth; except as specified in section three hundred and twenty-three C, for no purpose are amounts in such fund to be regarded as income of said bottlers or distributors.

SECTION 5. Section 323C of Chapter 94 of the General Laws as appearing in the 2006 Official Edition is hereby amended in line 1 after the word “fund” by adding the following:- and Water and Wastewater Infrastructure Fund

SECTION 6. Section 323D of Chapter 94 of the General Laws as appearing in the 2006 Official Edition is hereby amended by striking the section in its entirety and replacing it with the following new language:- Section 323D. By the tenth day of each month, each bottler or distributor shall turn over to the commissioner of revenue any deposit amounts deemed to be abandoned at the close of the preceding month, pursuant to section three hundred and twenty-three C. Such amounts shall be paid from the Deposit Transaction Fund and Water and Wastewater Infrastructure Fund respectively. Amounts collected from the Water and Wastewater Infrastructure Fund shall be used by entities that maintain and replace water and wastewater infrastructure. Said funds shall be administered and distributed by the Department of Revenue, Division of Local Services. All other Amounts collected by the commissioner of revenue pursuant to this section shall be deposited in the Clean Environment Fund, established pursuant to section three hundred and twenty-three F.

SECTION 7: This act shall take effect on December thirty-first, two thousand and nine.