

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 adoption of the accompanying bill:

An Act to expand the bottle bill..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Geraldo Alicea</i>	<i>6th Worcester</i>	<i>1/14/2011</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/20/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/21/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/20/2011</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>1/18/2011</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>2/1/2011</i>

HOUSE No. 883

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

In the Year Two Thousand Eleven

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:

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

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

8 SECTION 2. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006
9 Official Edition is hereby amended by striking out the words “sixteen fluid ounces or more, but
10 less than five gallons”, beginning in line 30, and inserting in place thereof the following the

11 words:- “equal to or greater than four ounces but less than or equal to one hundred and twenty-
12 eight ounces.”

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

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

30 Except as specified in section three hundred and twenty-three D, amounts in such fund
31 may only be expended to pay refund values paid after December thirty-first, nineteen hundred
32 and eighty-nine for returned non-reusable beverage containers pursuant to paragraphs (c), (d) and

33 (e). Amounts in such fund shall not be used to pay the handling fees required by paragraphs (c),
34 (d) and (e). Each such fund shall be maintained by said bottlers and distributors on behalf of
35 consumers who have purchased refundable non-reusable beverage containers and on behalf of
36 the commonwealth; except as specified in section three hundred and twenty-three C, for no
37 purpose are amounts in such fund to be regarded as income of said bottlers or distributors.

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

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

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