

SENATE No. 744

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Hedlund

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 bill:

An Act for a cleaner commonwealth.

PETITION OF:

NAME:

Robert L. Hedlund

DISTRICT/ADDRESS:

Plymouth and Norfolk

SENATE No. 744

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 744) of Robert L. Hedlund for legislation relative to a cleaner commonwealth. The Judiciary.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Thirteen
—————

An Act for a cleaner commonwealth.

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 16 of chapter 270 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by adding at the end thereof the following new paragraph:

3 A person while operating or as a passenger of a motor vehicle shall not deposit or cause
4 to be deposited garbage, paper, refuse, bottles, cans, rubbish or trash of any kind or nature on any
5 public or private property without permission of the owner, tenant or lessee of such property.

6 Any operator or passenger of a motor vehicle found in violation by a law enforcement
7 official shall be subject to a citation without criminal complaint and fine of not less than one
8 hundred dollars for their first offense.

9 Any operator or passenger of a motor vehicle found in violation by a law enforcement
10 official shall be subject to a citation without criminal complaint and fine of not less than five
11 hundred dollars for their second offense.

12 Any operator or passenger of a motor vehicle found in violation by a law enforcement
13 official shall be subject to a citation with criminal complaint and fine of not less than one
14 thousand dollars for their third offense.

15 SECTION 2. "Section 330. Commercial Recycling

16 For purposes of this chapter, the following terms mean the following:

17 (a) "Business" means a commercial or public entity, including, but not limited to, a firm,
18 partnership, proprietorship, joint stock company, corporation, or association that is organized as
19 a for-profit or nonprofit entity, or a multifamily residential dwelling.

20 (b) "Commercial Solid Waste", garbage and refuse produced by a business, sludge from a
21 waste treatment plant, water supply treatment plant, or air pollution control facility and other
22 discarded material, including solid, liquid, semisolid, or contaminated gaseous material resulting
23 from industrial, commercial, mining, and agricultural operations, and from community activities,
24 but does not include solid or dissolved materials in domestic sewage, or solid or dissolved
25 materials in irrigation return flows or industrial discharges, special nuclear, or radioactive
26 byproduct material.

27 (c) "Commercial Waste Generator", a business that, through its normal and ordinary
28 operation, produces commercial solid waste.

29 Section 2: On and after July 1, 2013, a business that generates five cubic yards or more of
30 commercial solid waste per week or is a multifamily residential dwelling of five units or more
31 shall arrange for recycling services, consistent with state or local laws or requirements, including
32 a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste,
33 to the extent that these services are offered and reasonably available from a local service
34 provider.

35 (a) A commercial waste generator shall take at least one of the following actions:

36 (1) Source separate recyclable materials from solid waste and subscribe to a basic level of
37 recycling service that includes collection, self-hauling, or other arrangements for the pickup of
38 the recyclable materials.

39 (2) Subscribe to a recycling service that may include mixed waste processing that yields
40 diversion results comparable to source separation.

41 (b) A property owner of a multifamily residential dwelling may require tenants to source
42 separate their recyclable materials to aid in compliance with this section."

43 Section 3. Section 1. The Massachusetts State Treasurers Office shall instruct the
44 Massachusetts State Lottery to develop a second chance game involving all lottery tickets and
45 scratch tickets that are not winners. The purpose of the game is to increase the amount of scratch
46 tickets and lottery tickets recycled and reduce the amount of scratch tickets and lottery tickets
47 thrown away or littered.

48 Section 2. The second chance game must be operational no later than 180 days of the
49 passage of this bill.

50 Section 4. SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in
51 the 2008 Official Edition, is hereby amended by inserting after the words "carbonated soft
52 drinks", in line 4, the following words:- "noncarbonated beverages including mineral water,
53 flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks,
54 isotonic drinks; and all other non-alcoholic carbonated and noncarbonated drinks in liquid form

55 intended for human consumption, except milk and beverages that are primarily derived from
56 dairy products, infant formula, and FDA-approved medicines."

57 SECTION 2. Paragraph 3 of said section 321 of said chapter 94, as so appearing, is
58 hereby amended by striking out the last sentence and inserting in place thereof the following
59 sentence:- This definition shall not include containers made of paper-based biodegradable
60 material and aseptic multi-material packaging.

61 SECTION 3. Said section 321 of said chapter 94, as so appearing, is hereby further
62 amended by inserting after the definition of "Plastic bottle" the following definition:-

63 "Redemption center", any business whose primary purpose is the redemption of beverage
64 containers and is not ancillary to any other business,

65 SECTION 4. Said section 321 of said chapter 94, as so appearing, is hereby further
66 amended by inserting after the definition of "Reusable beverage container" the following
67 definition:-

68 "Small dealer", any person or business, including any operator of a vending machine,
69 who engages in the sale of beverages in beverage containers to consumers in the commonwealth,
70 whose operating premises are less than 4000 square feet.

71 SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby amended by
72 inserting before the first sentence of paragraph (e) the following sentence:- The executive office
73 of environmental affairs shall promulgate rules and regulations for the licensure of redemption
74 centers, and may set fees for the licensing of such redemption centers.

75 SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as
76 so appearing, is hereby amended by striking out the words "one cent" and inserting in place
77 thereof the words "three and one quarter cents" and by adding the following sentence:- The
78 handling fee shall be reviewed semi-annually by the secretary of the executive office of energy
79 and environmental affairs and adjustments made to reflect increases in costs incurred by
80 redemption facilities.

81 SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is
82 hereby amended by striking out the words "one cent" and inserting in place thereof the words
83 "three and one quarter cents" and by adding the following sentence:-

84 The handling fee shall be reviewed semi-annually by the secretary of the executive office
85 of energy and environmental affairs and adjustments made to reflect increases in costs incurred
86 by redemption facilities.

87 SECTION 8. Said section 323 of said chapter 94, as so appearing, is hereby further
88 amended by inserting after the word "civil", in line 73, the words "or administrative".

89 SECTION 9: Notwithstanding any general or special law to the contrary, the secretary of
90 the executive office of energy and environmental affairs shall, on or before January 1, 2013,
91 promulgate regulations providing small dealers as defined herein with the ability to seek
92 exemptions from accepting empty deposit containers. Said regulations shall consider at least the
93 health and safety of the public; the convenience for the public, including standards governing
94 distribution of centers by population or by distance or both, the size and storage capacity of the
95 dealer(s) to be served by the redemption center and the size and storage capacity of the
96 redemption center. The order approving a local redemption center license must state the dealers
97 to be served and the kinds, sizes and brand names of empty beverage containers that the center
98 accepts.

99 SECTION 10. Section 327 of said chapter 94 of the General Laws, as so appearing, is
100 hereby amended by inserting after the first paragraph the following paragraphs:-

101 The department of environmental protection may enforce the provisions of section 321;
102 paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section 323A;
103 section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer
104 who violates any of the foregoing provisions shall be subject to an administrative penalty for
105 each violation of not more than \$1,000.

106 The department of revenue may enforce the provisions of paragraphs (g) and (h) of
107 section 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or
108 dealer who violates any of the foregoing provisions shall be subject to an administrative penalty
109 for each violation of not more than \$1,000.

110 SECTION 11. Said section 327 of said chapter 94 of the General Laws, as so appearing,
111 is hereby further amended by inserting after the word "civil", in line 14, the words "or
112 administrative".

113 SECTION 12. This act shall take effect on January 15, 2013.