



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 876-6800

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

RUSSELL B. HIGLEY

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

October 20, 1978

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Sullivan:

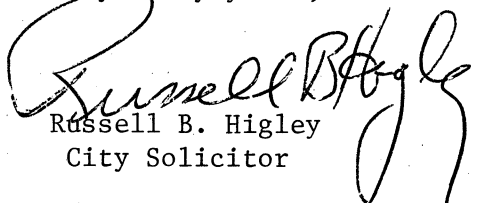
You have requested an opinion from this office concerning the viability of a so-called local bottle bill for the City of Cambridge.

For the purposes of this opinion I assume the term, local bottle bill, refers to an ordinance which would prohibit the sale of nonreturnable beverage bottles and cans in stores throughout the City of Cambridge.

It is my opinion that such a bill would exceed the regulatory powers of the City, and would unconstitutionally infringe on the regulation of interstate commerce. If such a regulation is to be enacted, it should properly be handled by the State Legislature for implementation across the State. I can find nothing in the law which would give to the cities and towns of the Commonwealth an independent power to regulate this issue.

If you have further questions pertaining to this issue, please feel free to contact me.

Very truly yours,


Russell B. Higley
City Solicitor

RBH:jl



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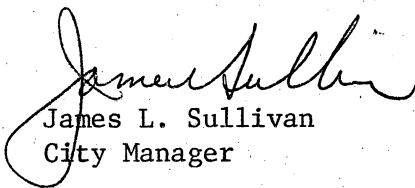
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

October 30, 1978

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 11 relative to
a local bottle bill for Cambridge, enclosed please find a copy of
a communication from Russell B. Higley, City Solicitor.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf
Enc.

Agenda #23

S-436

RE: Awaiting Report #11 re: local bottle bill
for Cambridge.

In City Council,
October 30, 1978

10/30/78

- Placed on File -