

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1564

H.P. 1022

House of Representatives, April 10, 2025

An Act to Delay Implementation of Recent Changes to Maine's Beverage Container Redemption Law

(EMERGENCY)

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative SOBOLESKI of Phillips.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation must take effect before the expiration of the 90-day period
4 so that changes to the laws governing manufacturers, distributors and dealers of beverage
5 containers take effect before July 15, 2025; and

6 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
7 the meaning of the Constitution of Maine and require the following legislation as
8 immediately necessary for the preservation of the public peace, health and safety; now,
9 therefore,

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

11 **Sec. 1. 38 MRSA §3105, sub-§5,** as amended by PL 2023, c. 482, §12, is further
12 amended to read:

13 **5. Label registration.** An initiator of deposit shall register the container label of any
14 beverage offered for sale in the State on which it initiates a deposit. Registration must be
15 on forms or in an electronic format provided by the department prior to July 15, 2025 2026
16 and by the cooperative beginning July 15, 2025 2026 and must include the universal
17 product code for each combination of beverage and container manufactured. The initiator
18 of deposit shall renew a label registration annually and whenever that label is revised by
19 altering the universal product code or whenever the container on which it appears is
20 changed in size, composition or glass color. The initiator of deposit shall also include as
21 part of the registration identification of a collection agent, identification of all of the parties
22 to a commingling agreement that applies to the container and proof of the collection
23 agreement.

24 A. Prior to July 15, 2025 2026, the department may charge a fee for registration and
25 registration renewals under this subsection.

26 B. Beginning July 15, 2025 2026, a commingling group shall ensure that all initiators
27 of deposit participating in the commingling group provide to the cooperative accurate
28 and up-to-date label registration information required by this subsection and that any
29 updates to label registrations are provided to the cooperative at least 30 days prior to
30 introduction for sale in the State. The cooperative shall ensure that accurate and up-to-
31 date information regarding all label registrations is shared with entities using or
32 administering reverse vending machine and account-based bulk processing programs
33 and is made available on its publicly accessible website.

34 **Sec. 2. 38 MRSA §3106, sub-§5-A, ¶D,** as enacted by PL 2023, c. 482, §14, is
35 amended to read:

36 D. A distributor that had beverage container costs apportioned to it by a dealer or
37 redemption center using an alternative apportionment method under a waiver approved
38 pursuant to this section may apply to the department for reimbursement of beverage
39 container costs or other financial losses incurred as a direct result of the alternative
40 apportionment method if the distributor can demonstrate to the department's
41 satisfaction that the distributor:

(1) Would have been paid additional beverage container costs if the distributor's beverage containers were processed through a reverse vending machine or similar technology that scanned each container; or

(2) Otherwise suffered a financial loss as a direct result of the alternative apportionment method implemented under the waiver.

A distributor must submit a request for reimbursement under this paragraph prior to December 31, ~~2025~~ 2026. If the department determines that a distributor is eligible for reimbursement under this paragraph, the department shall reimburse the distributor using funds from the Cost and Carbon Efficient Technology Fund established under section 3114-A.

Sec. 3. 38 MRSA §3106, sub-§5-A, as enacted by PL 2023, c. 482, §14, is amended by amending the 2nd blocked paragraph to read:

On or before February 15, ~~2025~~ 2026, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters describing its findings or recommendations regarding the implementation of the temporary waiver process under this subsection. The report may be included in the report required pursuant to section 3115, subsection 3 that is required by February 15, ~~2025~~ 2026. After reviewing the report, the committee may report out legislation relating to the report.

Sec. 4. 38 MRSA §3106, sub-§5-A, as enacted by PL 2023, c. 482, §14, is amended by amending the 3rd blocked paragraph to read:

This subsection is repealed January 1, ~~2026~~ 2027.

Sec. 5. 38 MRSA §3106, sub-§6, as amended by PL 2023, c. 482, §15 and affected by §43, is further amended to read:

6. Obligation to preserve container value. Notwithstanding subsection 8-A, a commingling group or its agent may refuse to accept, or pay the refund value and handling costs to a dealer, redemption center or other person for, a beverage container that has been processed by a reverse vending machine or account-based bulk processing program in a way that has, for a nonrefillable beverage container, reduced the recycling value of the container below current market value or, for a refillable beverage container, has damaged the container in a manner that prevents its reuse. This subsection may not be interpreted to prohibit a written processing agreement between a commingling group and a dealer or redemption center and does not relieve a commingling group of its obligation under subsection 8-A to accept empty, unbroken and reasonably clean beverage containers. Beginning July 15, ~~2025~~ 2026, the cooperative, on behalf of its member commingling groups, shall negotiate agreements with dealers and redemption centers regarding processing payments for each beverage container material type. The department shall adopt rules to establish the recycling value of beverage containers under this subsection and the rules may authorize the use of a 3rd-party vendor to determine if a beverage container has been processed by a reverse vending machine or account-based bulk processing program in a manner that, for a nonrefillable beverage container, has reduced the recycling value below current market value or, for a refillable beverage container, has damaged the container in a manner that prevents its reuse. The rules must outline the method of allocating among the parties involved the payment for 3rd-party vendor costs.

1 **Sec. 6. 38 MRSA §3106, sub-§8-A**, as enacted by PL 2023, c. 482, §17, is amended
2 to read:

3 **8-A. Obligation to pick up and recycle containers.** Beginning October 15, 2024, in
4 accordance with the requirements of this subsection and the rules adopted pursuant to this
5 subsection, a designated pick-up entity has the obligation to ensure the timely pickup and
6 recycling of all empty, unbroken and reasonably clean beverage containers subject to the
7 requirements of this chapter from dealers and redemption centers, including from any
8 locations where an account-based bulk processing program is in operation. As used in this
9 subsection, "designated pick-up entity" means, prior to July 15, ~~2025~~ 2026, a commingling
10 group or its pick-up agent and, beginning July 15, ~~2025~~ 2026, the cooperative or its pick-
11 up agent or agents.

12 A. Notwithstanding any provision of this subsection to the contrary, prior to July 15,
13 ~~2025~~ 2026, in the case of a designated pick-up entity that is a commingling group, the
14 commingling group's responsibilities under this subsection apply only to those
15 beverage containers from the initiators of deposit that are members of that
16 commingling group.

17 B. The department shall adopt rules to implement this subsection. The rules must, at
18 a minimum, establish pickup frequency standards based on the volume of beverage
19 containers collected by each dealer or redemption center, accounting for any
20 irregularities in volume, in a manner that promotes communication between designated
21 pick-up entities and dealers and redemption centers and that increases transportation
22 efficiency while maintaining the level of service provided to dealers and redemption
23 centers such that dealers and redemption centers are not required to store collected
24 beverage containers for extended periods of time without contact from and
25 compensation provided by the designated pick-up entity. Rules adopted pursuant to
26 this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter
27 2-A.

28 **Sec. 7. 38 MRSA §3106, sub-§9**, as amended by PL 2023, c. 482, §18, is further
29 amended to read:

30 **9. Plastic bags.** Plastic bags used by a dealer or redemption center and the cost
31 allocation of these bags must conform to rules adopted by the department concerning size
32 and gauge. Beginning July 15, ~~2025~~ 2026, the cooperative shall provide to the dealer or
33 redemption center, or reimburse the dealer or redemption center for the cost of, the plastic
34 bags used by the dealer or redemption center to contain redeemed beverage containers.

35 **Sec. 8. 38 MRSA §3107, sub-§3-B, ¶B**, as enacted by PL 2023, c. 482, §26, is
36 amended to read:

37 B. By January 15, ~~2025~~ 2026, the cooperative shall submit a plan for the operation of
38 the program to the department for review and approval. The plan must include, but is
39 not limited to:

40 (1) The method by which the program will facilitate the transition from beverage
41 container sorting at redemption centers by brand to sorting by material type and,
42 for redemption centers that manually sort containers, by size within each material
43 type. The program may facilitate the negotiation of agreements with redemption
44 centers to gather brand data through use of reverse vending machines, account-

1 based bulk processing programs or similar technology as long as the cost of such
2 data collection is paid by the program;

3 (2) Standards to provide for fair apportionment of costs among the commingling
4 groups and initiators of deposit included in the program, which may be based on:

5 (a) The combined beverage container sales by the initiators of deposit that are
6 members of each commingling group;

7 (b) The unit or brand counts generated by reverse vending machines or
8 account-based bulk processing programs as long as the reverse vending
9 machines or account-based bulk processing programs are subject to periodic
10 3rd-party audits on a schedule approved by the department and with the costs
11 of those audits paid by the program; and

12 (c) The rates of redemption, as determined pursuant to the method set forth in
13 subparagraph (3) and in accordance with the requirements of subparagraph (5);

14 (3) A method for determining the rate of redemption for beverage containers,
15 which must be verified through a 3rd-party audit paid for by the cooperative,
16 expressed as a percentage of the beverage containers redeemed that are available
17 for redemption; the rate of redemption by beverage type and by beverage container
18 material type; and, to the maximum extent practicable, regional redemption rates
19 in the State. The method for determining the redemption rate may not include in
20 its calculation any unredeemed beverage containers collected or processed by
21 municipal or other recycling programs. The program must ensure that a single
22 redemption rate, determined by the method specified in the plan, is used by all
23 commingling groups and initiators of deposit to determine cost apportionment
24 pursuant to subparagraph (2);

25 (4) A budget for the program that includes, but is not limited to, identification of
26 any start-up costs for the program that will not be ongoing, including, but not
27 limited to, the costs of the study described in paragraph F, and a description of the
28 method by which the cooperative will determine and collect payments from
29 commingling groups to cover the program's start-up costs;

30 (5) The method by which the cooperative will collect deposits from initiators of
31 deposit for nonrefillable beverage containers and handling fees for redeemed
32 containers, whether directly from the initiator of deposit or through the
33 commingling group of which the initiator of deposit is a member. The program
34 must ensure that an initiator of deposit is not required to pay any handling fees for
35 its beverage containers that exceeds the applicable redemption rate for those
36 containers as calculated pursuant to subparagraph (3);

37 (6) A description of how the cooperative intends to segregate, maintain, calculate
38 and expend unclaimed beverage container deposits in accordance with section
39 3108-A;

40 (7) A description of how the cooperative will provide a consistent beverage
41 container pick-up schedule for each redemption center in accordance with the pick-
42 up requirements of section 3106, subsection 8-A and the rules adopted pursuant to
43 that subsection. The program must ensure that pick-up schedules are designed to
44 reduce transportation distances and minimize costs but must allow each

1 commingling group to provide for beverage container pickup of the commingling
2 group's equivalent container material;

3 (8) Information on how the cooperative will be responsible for and ensure payment
4 to a dealer or redemption center within 10 calendar days of any beverage container
5 pickup of all applicable deposits and handling fees for the beverage containers
6 picked up from the dealer or redemption center, except as otherwise provided under
7 a written agreement entered into by the cooperative or a member commingling
8 group and the dealer or redemption center, and the applicable costs of plastic bags
9 provided to the dealer or redemption center in accordance with section 3106,
10 subsection 9;

11 (9) Information on how the cooperative will ensure that each commingling group
12 and each initiator of deposit that is a member of the commingling group maintains
13 ownership over the commingling group's and initiator of deposit's share of the
14 beverage containers redeemed, collected and processed for recycling under the
15 program;

16 (10) Information on how the cooperative will calculate the base rates offered for
17 the processing of beverage containers using an account-based bulk processing
18 program or pick-up agents;

19 (11) A certification that the cooperative will not share, except with the department
20 as necessary, information provided by a commingling group or initiator of deposit
21 that is proprietary information and that is identified by the commingling group or
22 initiator of deposit as proprietary information. The certification must include a
23 description of the methods by which the cooperative intends to ensure the
24 confidentiality of that information;

25 (12) Information on how the cooperative will maintain a publicly accessible
26 website regarding the program that includes, at a minimum, the following:

27 (a) A searchable list of all initiators of deposit and beverage container label
28 registrations, including for beverages sold directly to consumers in the State,
29 in a manner that allows redemption centers, dealers and consumers to obtain
30 up-to-date information regarding whether a particular beverage is authorized
31 for sale and redemption in the State;

32 (b) A search function through which consumers can identify nearby dealers or
33 redemption centers offering redemption services based on information made
34 available to the cooperative by the department; and

35 (c) The base rates for the processing of beverage containers by container type
36 as determined in accordance with subparagraph (10);

37 (13) A proposed timeline for implementation of the program plan, if approved,
38 designed to ensure implementation of the plan on or before July 15, ~~2025~~ 2026 and
39 a description of how the cooperative will notify commingling groups, initiators of
40 deposit, dealers, distributors, pick-up agents and other affected entities regarding
41 program implementation, which must include, but is not limited to, posting of
42 information relating to program implementation on the website described in
43 subparagraph (12);

(14) A description of how the cooperative will support the development of infrastructure throughout the State for the collection and sanitization of refillable beverage containers and for the return of those refillable beverage containers to initiators of deposit of refillable beverage containers for refilling and sale. That infrastructure development may involve redemption centers, centralized washing and sanitization facilities and other methods;

(15) Information regarding the advisory group formed by the board in accordance with paragraph A, including, but not limited to, its membership and the length of the terms of its members, a proposed meeting schedule and a description of the role and responsibilities of the advisory group, which may include, but are not limited to, advising the board regarding the development of the plan submitted under this paragraph;

(16) A description of how the cooperative will operate the program in a manner designed to achieve an overall statewide redemption rate for all beverage containers subject to the requirements of this chapter, as determined in accordance with subparagraph (3), of 75% by January 1, ~~2027~~ 2028; of 80% by January 1, ~~2032~~ 2033; and of 85% by January 1, ~~2037~~ 2038; and

(17) Any other information required by the department.

Sec. 9. 38 MRSA §3107, sub-§3-B, ¶C, as enacted by PL 2023, c. 482, §26, is amended to read:

C. Within 120 days of receipt of a plan submitted by the cooperative under paragraph B, the department shall review the plan and approve the plan, approve the plan with conditions or reject the plan. Prior to determining whether to approve or reject a plan, the department shall hold a public hearing on the plan. The department shall notify the cooperative in writing of its determination and, if the plan is approved with conditions or rejected, shall include in the notification a description of the basis for the conditions or rejection.

(1) If the cooperative's plan is rejected, it may submit a revised plan to the department within 60 days of receiving the notice of rejection. The department may approve the revised plan as submitted or approve the revised plan subject to the implementation of specific changes required by the department.

(2) If the cooperative's plan is approved in accordance with this paragraph, the cooperative shall implement the plan on or before July 15, ~~2025~~ 2026 in accordance with the timeline for implementation described in paragraph B, subparagraph (13), subject to any changes or conditions imposed by the department. If the cooperative fails to implement an approved plan on or before July 15, ~~2025~~ 2026, the initiators of deposit that are members of each of the commingling groups included in the cooperative are deemed to be in violation of this chapter and are subject to penalties pursuant to section 3111.

Sec. 10. 38 MRSA §3107, sub-§3-B, ¶E, as enacted by PL 2023, c. 482, §26, is amended to read:

E. On or before April 1, ~~2026~~ 2027, and annually thereafter, the cooperative shall submit to the department and make available on its publicly accessible website a report that includes, but is not limited to:

(1) Contact information for the cooperative and a list of all initiators of deposit and beverage container label registrations, including for beverages sold directly to consumers in the State;

(2) Information on the rates of redemption for beverage containers calculated in accordance with plan requirements under paragraph B, subparagraph (3). The report must include information regarding the total number of beverage containers subject to the requirements of this chapter sold or distributed in the State during the previous calendar year by the members of each commingling group, aggregated within each commingling group to provide only a total, aggregated number for each commingling group. If the calculated overall statewide redemption rate for beverage containers is less than the applicable redemption rate goal described in paragraph B, subparagraph (16), the report must include recommendations for changes to the operation of the program that are designed to achieve the required rate, which may include, but are not limited to, recommended increases in the deposit and refund value for beverage containers;

(3) Detailed information on the calculation and expenditure of unclaimed deposit funds in the previous calendar year in accordance with section 3108-A;

(4) A description of the education and outreach efforts implemented under the program in the previous calendar year to encourage participation in the beverage container redemption program, reduce instances of fraud in redemption and educate businesses and consumers on the value and safety of refillable beverage containers. The report must include the results of an assessment, completed by an independent 3rd party, of the effectiveness of the efforts;

(5) Any recommendations for changes to the program to improve the convenience of the collection system under the program, consumer education or program evaluation and any goals for supporting the use of refillable and reusable containers;

(6) A financial report on the program, as determined through a 3rd-party financial audit, that identifies the total cost of implementing the program and the specific administration, collection, transportation, disposition and communication costs for the program, including all costs associated with payment of handling fees, and an anticipated budget for the subsequent program year; and

(7) Any other information required by the department.

For the report due April 1, ~~2026~~ 2027 only, the department may modify or waive any of the reporting requirements set forth in this paragraph upon a finding that the information required cannot feasibly be determined or provided by the cooperative due to a partial-year operation of the program.

Sec. 11. 38 MRSA §3107, sub-§3-B, ¶F-1, as enacted by PL 2023, c. 529, §1, is amended to read:

F-1. After consultation with the department and interested persons, the cooperative shall contract with a 3rd-party entity to complete a study by July 15, ~~2026~~ 2027 to determine the feasibility of achieving goals of 5% refillable and reusable beverage containers sold in the State by 2030, by 2040 and by 2050 and 10% refillable and reusable beverage containers sold in the State by 2030, by 2040 and by 2050 and to

1 determine the infrastructure and investments that would be necessary to support those
2 goals and shall provide the results of the study, along with any related
3 recommendations, to the department. After reviewing the results of the study and any
4 recommendations of the cooperative, the department shall include the results of the
5 study, along with any additional comments or recommendations from the department,
6 in the report required by section 3115, subsection 3 that is due by February 15, ~~2027~~
7 2028.

8 **Sec. 12. 38 MRSA §3107, sub-§3-B, ¶G**, as enacted by PL 2023, c. 482, §26, is
9 amended to read:

10 G. The cooperative shall pay to the department a reasonable annual fee established by
11 the department, not to exceed \$600,000, as provided in this paragraph.

12 (1) On or before July 15, ~~2025~~ 2026, the cooperative shall pay to the department
13 the annual fee under this paragraph to cover the department's costs for review of
14 the program plan submitted by the cooperative pursuant to paragraph B and the
15 department's costs prior to program plan implementation in its oversight of the
16 development and implementation of the commingling program under this
17 subsection. The department may require the cooperative to pay a portion of the fee
18 required under this subparagraph at the time the cooperative submits a program
19 plan for review and approval pursuant to paragraph B to cover the department's
20 cost for review of the program plan.

21 (2) On or before April 1, ~~2026~~ 2027, and annually thereafter, the cooperative shall
22 pay to the department the annual fee under this paragraph to cover the department's
23 costs for review of the cooperative's annual report under paragraph E and the
24 department's costs in the previous calendar year for its oversight, administration
25 and enforcement of the commingling program implemented under this subsection.
26 The cooperative shall pay the fee required pursuant to this subparagraph at the time
27 it submits the annual report required pursuant to paragraph E.

28 **Sec. 13. 38 MRSA §3107, sub-§3-B, ¶I**, as enacted by PL 2023, c. 482, §26, is
29 amended to read:

30 I. Beginning July 15, ~~2025~~ 2026, an initiator of deposit that is not in compliance with
31 all applicable requirements of the single commingling program implemented pursuant
32 to this subsection:

33 (1) Commits a violation of this chapter and is subject to penalties pursuant to
34 section 3111; and

35 (2) Is prohibited from selling or distributing in the State any beverage container
36 subject to the requirements of this chapter as long as the violation exists. A
37 distributor or dealer may not sell or distribute in the State any such containers of
38 the initiator of deposit, and the department may remove from sale any such
39 containers of the initiator of deposit.

40 **Sec. 14. 38 MRSA §3108-A, sub-§1**, as enacted by PL 2023, c. 482, §28 and
41 affected by §43, is amended to read:

42 **1. Commingling group; unclaimed deposits.** Prior to July 15, ~~2025~~ 2026, unclaimed
43 deposits for nonrefillable beverage containers that are subject to a commingling agreement

1 pursuant to section 3107, subsection 1-A or 1-B are the property of the members of the
2 commingling group administering the agreement. The commingling group shall determine
3 the disposition and use of those unclaimed deposits.

4 **Sec. 15. 38 MRSA §3108-A, sub-§2**, as amended by PL 2023, c. 529, §§2 to 4 and
5 affected by §7, is further amended to read:

6 **2. Commingling cooperative; unclaimed deposits.** Except as provided in paragraph
7 D, beginning July 15, 2025 2026, unclaimed deposits for nonrefillable beverage containers
8 subject to the requirements of this chapter are the property of the cooperative and, in
9 accordance with rules adopted by the department pursuant to subsection 3, must be
10 deposited and maintained by the cooperative in a separate account or accounts and
11 expended only in accordance with this subsection.

12 A. The cooperative shall expend unclaimed deposit amounts as provided in paragraphs
13 B and C and may not expend unclaimed deposit amounts to offset legal or lobbying
14 fees or fines incurred by the cooperative, a commingling group or an initiator of
15 deposit.

16 B. The cooperative shall expend unclaimed deposit amounts for the following
17 purposes:

18 (1) Payment of the annual fee to the department as provided in section 3107,
19 subsection 3-B, paragraph G;

20 (2) Reasonable costs of administering the program under section 3107, subsection
21 3-B, including, but not limited to, staffing costs and office operating costs;

22 (3) Costs of educational materials and signage provided to dealers and redemption
23 centers regarding redemption instructions and other information, including
24 information regarding the fraudulent redemption of beverage containers in
25 accordance with section 3106, subsection 10;

26 (4) Reimbursement to dealers and redemption centers of the costs of plastic bags
27 pursuant to section 3106, subsection 9;

28 (4-A) Funding of activities and infrastructure designed to increase the use of
29 refillable and reusable beverage containers and reusable beverage packaging in the
30 State. The cooperative may expend funds under this subparagraph to support
31 activities and infrastructure designed to increase the use of other types of reusable
32 packaging in the State. The cooperative shall make available a minimum of
33 \$500,000 per calendar year for these activities, which may include, but are not
34 limited to:

35 (a) Activities and infrastructure relating to the development and
36 implementation of models for refillable beverage container washing
37 techniques, including, but not limited to, mobile washing stations, in-house
38 washing stations and the establishment of a fixed washing facility in the State;

39 (b) Development of or other activities relating to container, adhesive and label
40 options for refillable beverage containers; and

41 (c) Outreach to manufacturers, retailers, restaurants and consumers regarding
42 the benefits of refillable beverage containers and the methods available for
43 ensuring such containers may be safely reused; and

(5) Payment of \$500,000 annually to the department for deposit into and use in accordance with the Cost and Carbon Efficient Technology Fund established in section 3114-A.

The cooperative shall include in its annual report required under section 3107, subsection 3-B, paragraph E any recommendations for a reduction in or other amendment to the payment required under this subparagraph that the cooperative believes necessary due to a reduction in the amount of unclaimed deposits available for expenditure in accordance with paragraph C, a surplus of undistributed funding within the Cost and Carbon Efficient Technology Fund established in section 3114-A or for other reasons specified by the cooperative.

C. Any deposits determined by the cooperative to be unclaimed in accordance with the rules adopted by the department pursuant to subsection 3 that are not expended by the cooperative as otherwise required by this section may be expended by the cooperative to offset other costs incurred by the program, including, but not limited to, costs of beverage container pickups and payment to dealers or redemption centers of required handling fees under section 3106, subsection 7, as long as such expenditures are designed to equitably offset those costs incurred by each member commingling group as determined pursuant to the approved program plan under section 3107, subsection 3-B, paragraph B, subparagraph (2).

D. Notwithstanding any provision of this section to the contrary, if the cooperative fails to implement a program plan approved by the department pursuant to section 3107, subsection 3-B, paragraph C by July 15, ~~2025~~ 2026, until the cooperative implements an approved program plan, unclaimed deposits for nonrefillable beverage containers subject to the requirements of this chapter must be deposited and maintained by the cooperative, or, in the event the cooperative has not been established, by each commingling group, in a separate account or accounts and in the manner directed by the department must be paid to the department for deposit into and use in accordance with the Beverage Container Enforcement Fund established under section 3114.

Sec. 16. 38 MRSA §3109, sub-§5-B, ¶B, as amended by PL 2023, c. 482, §30, is further amended to read:

B. The department, a commingling group or, beginning July 15, ~~2025~~ 2026, the cooperative may audit shells, shipping cartons, bags or other receptacles that have been prepared for pickup by a redemption center.

(1) An audit may be conducted by the department, a commingling group or, beginning July 15, ~~2025~~ 2026, the cooperative on site at the redemption center or off site at a different location. Off-site audits may involve the use of bulk redemption technology.

(2) An audit must be conducted on a minimum of 1,000 beverage containers or, in the case of containers processing through a reverse vending machine or account-based bulk processing program, on an equivalent amount by weight of the same material type.

(3) If the results of an audit vary from the information included on the label of the shell, shipping carton, bag or other receptacle required by paragraph A, the department, a commingling group or, beginning July 15, ~~2025~~ 2026, the

1 cooperative shall, in the case of an on-site audit, require the redemption center to
2 add or remove containers or an equivalent weight of the same material type to
3 address the variation in the results of the audit or, in the case of an off-site audit,
4 require the redemption center to accept payment from the initiator of deposit or
5 pick-up agent adjusted in accordance with the variation in the results of the audit.

6 (4) The department may deny an application for approval of a redemption center
7 under subsection 2 if the redemption center, pursuant to audits conducted by the
8 department in accordance with this subsection, has repeatedly prepared for pickup
9 shells, shipping cartons, bags or other receptacles containing less than 97% of the
10 beverage containers or equivalent weight of the same material type that such shells,
11 shipping cartons, bags or other receptacles are labeled as containing.

12 **Sec. 17. 38 MRSA §3113, sub-§5**, as enacted by PL 2023, c. 482, §34, is amended
13 to read:

14 **5. Convenience standard.** On or after July 15, ~~2025~~ 2026, the department shall adopt
15 rules establishing requirements for the implementation by the cooperative of an efficient
16 beverage container collection system of redemption centers that is adequate to serve the
17 needs of consumers in both rural and urban areas throughout the State. Rules adopted
18 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
19 subchapter 2-A.

20 A. The beverage container collection system to be implemented must be designed to
21 provide a geographical distribution of redemption locations and of redemption options
22 for consumers, including, but not limited to, manual sorting, reverse vending machines,
23 bag drop programs and account-based bulk processing programs, including those
24 options that provide for immediate payment of the refund value to a consumer as well
25 as those that provide payment of the refund value within a specified period of time
26 following beverage container drop-off.

27 B. In establishing requirements for the beverage container collection system to be
28 implemented, the department shall consider geographical limitations, population
29 densities and reasonable days and hours of operation for redemption centers and may
30 consider options for expanding redemption opportunities for consumers at locations
31 other than redemption centers, including, but not limited to, at dealers and transfer
32 stations.

33 **Sec. 18. 38 MRSA §3114, sub-§2, ¶B**, as amended by PL 2023, c. 482, §35, is
34 further amended to read:

35 B. Fees for registration of beverage container labels and registration renewals under
36 section 3105, subsection 5.

37 This paragraph is repealed July 15, ~~2025~~ 2026;

38 **Sec. 19. 38 MRSA §3114-A, sub-§3, ¶D**, as enacted by PL 2023, c. 482, §37, is
39 amended by amending the first blocked paragraph to read:

40 This paragraph is repealed January 1, ~~2026~~ 2027.

41 **Sec. 20. 38 MRSA §3115, sub-§1**, as amended by PL 2023, c. 482, §38, is further
42 amended by amending the first blocked paragraph to read:

1 This subsection is repealed July 15, ~~2025~~ 2026.

2 **Sec. 21. 38 MRSA §3115, sub-§3**, as amended by PL 2023, c. 529, §6, is further
3 amended to read:

4 **3. Report.** On or before February 15, 2024, and annually thereafter, the department
5 shall report to the joint standing committee of the Legislature having jurisdiction over
6 environment and natural resources matters on the status of the beverage container
7 redemption program implemented under this chapter.

8 A. The report must include any recommendations, including draft legislation as
9 necessary, for amendments to this chapter necessary for its administration or to better
10 fulfill the purpose described under section 3101, including, but not limited to,
11 identification of additional department staffing or resource needs to support the
12 administration of this chapter.

13 B. For the report required by this subsection that is due February 15, ~~2026~~ 2027, and
14 for each subsequent report, the department shall, at a minimum, include:

15 (1) Any recommendations for necessary adjustments to the amount of the handling
16 fee under section 3106, subsection 7; and

17 (2) Information regarding the status of the Cost and Carbon Efficient Technology
18 Fund under section 3114-A, including, but not limited to, information regarding
19 the number and amount of grants issued under that fund, information on the
20 recipients of those grants and the technology that those grants were used to support.

21 C. In addition to the requirements of paragraph B, for the report required by this
22 subsection that is due February 15, ~~2027~~ 2028, and for each subsequent report, the
23 department shall, at a minimum, include information annually reported by the
24 cooperative pursuant to section 3107, subsection 3-B, paragraph E, including, but not
25 limited to, information regarding the rates of redemption for beverage containers and
26 the calculated overall statewide redemption rate.

27 D. After reviewing the report, the committee may report out legislation relating to the
28 report. The report under this subsection may be included in the report required pursuant
29 to section 1772, subsection 1.

30 **Sec. 22. 38 MRSA §3119, sub-§1**, as amended by PL 2023, c. 482, §40, is further
31 amended by amending the first blocked paragraph to read:

32 This subsection is repealed July 15, ~~2025~~ 2026.

33 **Sec. 23. 38 MRSA §3119, sub-§2**, as amended by PL 2023, c. 482, §40, is further
34 amended by amending the first blocked paragraph to read:

35 This subsection is repealed July 15, ~~2025~~ 2026.

36 **Sec. 24. 38 MRSA §3119, sub-§3**, as amended by PL 2023, c. 482, §40, is further
37 amended to read:

38 **3. Proprietary information.** Proprietary information submitted to the department
39 prior to July 15, ~~2025~~ 2026 in a report required under this section that is identified by the
40 submitter as proprietary information is confidential and must be handled by the department
41 in the same manner as confidential information is handled under section 1310-B.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill amends the law governing manufacturers, distributors and dealers of beverage containers in the provisions regarding labels, stamps and brand names; application; and commingling of beverage containers, which were recently amended by Public Law 2023, chapter 482, to push back by one year the implementation of the law.