

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2134

H.P. 1358

House of Representatives, January 3, 2024

**An Act Regarding Responsibility for Activities Intended to Increase
the Use of Refillable and Reusable Beverage Containers**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.

Cosponsored by Representatives: BRIDGEO of Augusta, CAMPBELL of Orrington,
DOUDERA of Camden, Senator: CARNEY of Cumberland.

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

2 **Sec. 1. 38 MRSA §3107, sub-§3-B, ¶F-1** is enacted to read:

3 F-1. The cooperative shall complete a study by July 15, 2026 to determine the
4 feasibility of achieving goals of 5% refillable and reusable beverage containers sold in
5 the State by 2030, by 2040 and by 2050 and 10% refillable and reusable beverage
6 containers sold in the State by 2030, by 2040 and by 2050 and to determine the
7 infrastructure and investments that would be necessary to support those goals and shall
8 provide the results of the study, along with any related recommendations, to the
9 department. After reviewing the results of the study and any recommendations of the
10 cooperative, the department shall include the results of the study, along with any
11 additional comments or recommendations from the department, in the report required
12 by section 3115, subsection 3 that is due by February 15, 2027.

13 **Sec. 2. 38 MRSA §3108-A, sub-§2, ¶B**, as enacted by PL 2023, c. 482, §28 and
14 affected by §43, is amended by amending subparagraph (4) to read:

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

17 **Sec. 3. 38 MRSA §3108-A, sub-§2, ¶B**, as enacted by PL 2023, c. 482, §28 and
18 affected by §43, is amended by enacting a new subparagraph (4-A) to read:

19 (4-A) Funding of activities designed to increase the use of refillable and reusable
20 beverage containers in the State. The cooperative shall make available a minimum
21 of \$500,000 per calendar year for these activities, which may include, but are not
22 limited to:

23 (a) Activities relating to the development and implementation of models for
24 refillable beverage container washing techniques, including, but not limited to,
25 mobile washing stations, in-house washing stations and the establishment of a
26 fixed washing facility in the State;

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

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

32 **Sec. 4. 38 MRSA §3108-A, sub-§2, ¶B**, as enacted by PL 2023, c. 482, §28 and
33 affected by §43, is amended by amending subparagraph (5) to read:

34 (5) Payment of ~~\$1,000,000~~ \$500,000 annually to the department for deposit into
35 and use in accordance with the Cost and Carbon Efficient Technology Fund
36 established in section 3114-A.

37 The cooperative shall include in its annual report required under section 3107,
38 subsection 3-B, paragraph E any recommendations for a reduction in or other
39 amendment to the payment required under this subparagraph that the cooperative
40 believes necessary due to a reduction in the amount of unclaimed deposits available
41 for expenditure in accordance with paragraph C, a surplus of undistributed funding

1 within the Cost and Carbon Efficient Technology Fund established in section
2 3114-A or for other reasons specified by the cooperative.

3 **Sec. 5. 38 MRSA §3114-A, sub-§3**, as enacted by PL 2023, c. 482, §37, is amended
4 to read:

5 **3. Application of fund.** Money in the fund must be used by the department to provide
6 grants to persons to lease or purchase technology designed to improve operational
7 efficiency and reduce greenhouse gas emissions from trucking ~~or to support activities~~
8 ~~designed to increase the use of reusable and refillable beverage containers and other~~
9 ~~reusable and refillable packaging in the State.~~

10 A. The lease or purchase of technology designed to improve operational efficiency
11 and reduce greenhouse gas emissions from trucking using a grant from the fund is
12 limited to automated beverage container counting, compacting and sorting systems
13 capable of validating the count of beverage containers processed and compacting and
14 sorting processed containers in preparation for pickup, including, but not limited to,
15 reverse vending machines as well as activities associated with the installation of that
16 technology, including, but not limited to, electrical system upgrades, building or
17 infrastructure modifications and Internet connection to a central system administrator
18 as necessary.

19 ~~B. Activities designed to increase the use of reusable and refillable beverage containers~~
20 ~~and other reusable and refillable packaging in the State using a grant from the fund are~~
21 ~~limited to:~~

22 ~~(1) Activities relating to the development and implementation of, including the~~
23 ~~purchase of necessary materials and supplies for, pilot projects to determine~~
24 ~~options for financially viable models for refillable beverage container washing~~
25 ~~techniques, including, but not limited to, mobile washing stations, shipment of~~
26 ~~containers to washing facilities outside the State, in-house washing stations and~~
27 ~~establishment of a fixed washing facility in the State;~~

28 ~~(2) Development of or other activities relating to container, adhesive and label~~
29 ~~options for refillable beverage containers capable of being used by manufacturers~~
30 ~~of different types of beverages; and~~

31 ~~(3) Outreach and education activities for manufacturers, retailers, restaurants and~~
32 ~~consumers regarding the financial and environmental benefits of refillable~~
33 ~~beverage containers and regarding the processes and methods available for~~
34 ~~ensuring such containers may be safely reused.~~

35 ~~C. Notwithstanding any provision of this section to the contrary, using money from~~
36 ~~the fund, the department shall contract with a 3rd party entity to complete a study by~~
37 ~~July 15, 2026 regarding the feasibility of achieving goals of 5% reusable, refillable~~
38 ~~beverage containers marketed in the State and 10% reusable, refillable beverage~~
39 ~~containers marketed in the State and to determine the infrastructure and investments~~
40 ~~that would be necessary to support those goals. The department shall include the results~~
41 ~~of the feasibility study, along with any additional comments or recommendations from~~
42 ~~the department, in the report required by section 3115, subsection 3 that is due February~~
43 ~~15, 2027.~~

1 D. Notwithstanding any provision of this section to the contrary, using money from
2 the fund, the department shall provide reimbursement of beverage container costs or
3 other financial losses to eligible distributors in accordance with section 3106,
4 subsection 5-A, paragraph D.

5 This paragraph is repealed January 1, 2026.

6 E. A grant issued by the department from the fund must cover at least 25% of the
7 anticipated cost of the technology leased or purchased ~~or activities supported~~ as
8 identified in the grant application.

9 F. The department shall administer the fund and, after consultation with the
10 cooperative and its advisory group established pursuant to section 3107, subsection
11 3-B, paragraph A, shall establish the application process and procedures for issuance
12 of grants from the fund. The department shall consult with the cooperative and its
13 advisory group in reviewing and approving grant applications submitted under this
14 section.

15 **Sec. 6. 38 MRSA §3115, sub-§3, ¶B**, as enacted by PL 2023, c. 482, §39, is
16 amended by amending subparagraph (2) to read:

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 ~~or activities~~ that those grants were
21 used to support.

22 **Sec. 7. Effective date.** Those sections of this Act that amend the Maine Revised
23 Statutes, Title 38, section 3108-A, subsection 2, paragraph B, subparagraphs (4) and (5)
24 and that enact Title 38, section 3108-A, subsection 2, paragraph B, subparagraph (4-A) take
25 effect October 15, 2024.

26 SUMMARY

27 This bill amends the beverage container redemption laws by transferring from the
28 Department of Environmental Protection to the commingling cooperative established
29 pursuant to the Maine Revised Statutes, Title 38, section 3107, subsection 3-B the
30 responsibility for management of the expenditure of unclaimed beverage container deposit
31 funds to support activities designed to increase the use of refillable and reusable beverage
32 containers in the State. It reduces by \$500,000 per year the amount of unclaimed deposit
33 funds the commingling cooperative is required to provide to the department for deposit into
34 the department's Cost and Carbon Efficient Technology Fund and instead requires the
35 cooperative to make available a minimum of \$500,000 per year to fund activities relating
36 to increasing the use of refillable and reusable beverage containers in the State. The bill
37 makes other changes to the beverage container redemption laws relating to this transfer of
38 responsibility.