



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1721

H.P. 1148

House of Representatives, April 17, 2025

An Act to Amend the Laws Governing Commingling of Beverage Containers

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

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.
Cosponsored by Representatives: BELL of Yarmouth, BRIDGEO of Augusta, CAMPBELL of Orrington, WOODSOME of Waterboro.

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

2 **Sec. 1. 38 MRSA §3106, sub-§6**, as amended by PL 2023, c. 482, §15 and affected
3 by §43, is further amended to read:

4 **6. Obligation to preserve container value.** Notwithstanding subsection 8-A, a
5 commingling group or its agent may refuse to accept, or pay the refund value and handling
6 costs to a dealer, redemption center or other person for, a beverage container that has been
7 sorted in a manner that is inconsistent with an approved commingling agreement or a
8 cooperative plan approved in accordance with section 3107, subsection 3-B, paragraph C
9 or processed by a reverse vending machine or account-based bulk processing program in a
10 way that has, for a nonrefillable beverage container, reduced the recycling value of the
11 ~~container material~~ below current market value when compared to material that is
12 unprocessed and sorted in an approved manner or, for a refillable beverage container, has
13 damaged the container in a manner that prevents its reuse unless the dealer or redemption
14 center pays the difference in material recycling value or the value of the refillable container
15 to the commingling group. Sorting or processing that prevents the recycling of material or
16 the reuse of refillable containers is not permitted. This subsection may not be interpreted
17 to prohibit a written processing agreement between a commingling group and a dealer or
18 redemption center and does not relieve a commingling group of its obligation under
19 subsection 8-A to accept empty, unbroken and reasonably clean beverage containers.
20 Beginning July 15, 2025, the cooperative, on behalf of its member commingling groups,
21 shall negotiate agreements with dealers and redemption centers regarding processing
22 payments for each beverage container material type. The recycling value of a beverage
23 container includes but is not limited to commodity, transportation and proportional system
24 cost savings. The department shall adopt rules to establish the recycling value of beverage
25 containers under this subsection and the rules may authorize the use of a 3rd-party vendor
26 to determine if a beverage container has been processed by a reverse vending machine or
27 account-based bulk processing program in a manner that, for a nonrefillable beverage
28 container, has reduced the recycling value below current market value or, for a refillable
29 beverage container, has damaged the container in a manner that prevents its reuse. The
30 rules must outline the method of allocating among the parties involved the payment for
31 3rd-party vendor costs.

32 **Sec. 2. 38 MRSA §3107, sub-§1**, as amended by PL 2023, c. 482, §22, is further
33 amended to read:

34 **1. Commingling requirement.** If initiators of deposit enter into a commingling
35 agreement pursuant to this section, commingling of beverage containers must be by all
36 containers of like deposit value, product group, material and size. Initiators of deposit may
37 not require dealers or redemption centers to further sort containers that belong to the
38 commingling group. An initiator of deposit required pursuant to section 3106, subsection
39 8 or 8-A to pick up beverage containers subject to a commingling agreement also shall pick
40 up all other beverage containers subject to the same agreement. ~~The initiator of deposit~~
41 ~~may not require beverage containers that are subject to a commingling agreement to be~~
42 ~~sorted separately by a dealer or redemption center.~~ This subsection does not prevent dealers
43 or redemption centers from further commingling beverage containers, subject to section
44 3106, subsection 6.

Sec. 3. 38 MRSA §3107, sub-§2, as enacted by PL 2015, c. 166, §14, is amended to read:

2. Commingling of like materials. For purposes of this section, containers are considered to be of like materials if made up of one of the following:

~~A. Plastic;~~

B. Aluminum;

C. Metal other than aluminum; and

D. ~~Glass.~~ Clear flint glass;

E. Amber-brown glass;

F. Green-blue glass;

G. Clear polyethylene terephthalate;

H. Colored polyethylene terephthalate;

I. Clear high-density polyethylene;

J. Colored high-density polyethylene; or

K. Other plastic, glass or other materials that in the department's discretion are necessary to carry out the purposes of this chapter.

Sec. 4. 38 MRSA §3107, sub-§3-B, ¶B, as enacted by PL 2023, c. 482, §26, is amended by amending subparagraph (1) to read:

(1) The method by which the program will facilitate the transition from beverage container sorting at redemption centers by brand to sorting by material type and, for redemption centers that manually sort containers, by size and deposit value within each material type. The program may facilitate the negotiation of agreements with redemption centers to gather brand data through use of reverse vending machines, account-based bulk processing programs or similar technology as long as the cost of such data collection is paid by the program;

SUMMARY

This bill amends the laws governing the commingling of beverage containers in several ways.

1. It amends the list of materials that are considered of like materials for the purposes of beverage container commingling.

2. It makes changes to the provision of law regarding the obligation of dealers and redemption centers to preserve the value of beverage containers. The changes include providing that a commingling group may refuse to accept, or pay the refund value and handling costs for, a beverage container that has been sorted in a manner that is inconsistent with an approved commingling agreement or an approved cooperative plan; and removing the authority for a commingling group to refuse beverage containers that have been processed by a reverse vending machine or account-based bulk processing program.

1 3. It prohibits initiators of deposit from requiring dealers or redemption centers from
2 sorting containers that belong to the commingling group beyond that required in current
3 law.