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DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

**TESTIMONY OF  
BRIAN BENESKI, SUPERVISOR OF RECYCLING PROGRAMS  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN SUPPORT OF L.D. 846**

**AN ACT TO REQUIRE DIRECT WINE SHIPPERS TO COMPLY WITH MAINE  
BEVERAGE CONTAINER LAWS**

**SPONSORED BY REP. GRAMLICH**

**BEFORE THE JOINT STANDING COMMITTEE  
ON  
VETERANS AND LEGAL AFFAIRS**

**DATE OF HEARING:**

**MARCH 15, 2023**

Senator Hickman, Representative Supica, and members of the Committee, I am Brian Beneski, Supervisor, Recycling Programs, from the Division of Materials Management, Bureau of Environmental Protection, at the Department of Environmental Protection, speaking in support of L.D. 846.

Maine law provides for the direct shipment of wine to consumers in Maine. However, 28-A M.R.S. § 1403-A (15) exempts wines that are shipped directly to consumers from

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AUGUSTA, MAINE 04333-0017  
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PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
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a refund value for beverage container control purposes. This provides an uneven playing field for Maine based retailers and distributors of wine products who are required to participate in the bottle redemption program. In order for Maine distributors to sell wine in the state, they must become an "initiator of deposit", which requires registering with the Department, registering each individual wine label, initiating the 15-cent deposit, and arranging for a pick-up agent (if they elect not to be their own) to collect their wine containers from redemption centers, and paying the handling fee and pick up agent for their services. As direct to consumer wines are specifically exempt, out of state shippers of wine not subject to these same costs and labor.

Many of these DTC wine containers end up being taken to redemption centers out of habit as Maine consumers are accustomed to the 15-cent deposit on wines sold in the State. There are approximately 21,300 different wine labels registered with the Department. Due to the sheer number of labels and containers that are received, a redemption center will often provide a deposit refund to a customer initially assuming it's a valid redemption and sort containers later, and then realize during sorting that the wine was not registered. The redemption center must then "eat" the deposit provided to the customer. Although not legal, the redemption center may put the bottle in with other wine bottles associated with a local distributor to get a deposit back, along with the handling fee. Any wine container without a deposit that is mingled in with a local distributor's containers will cost that local distributor the 15-cent deposit and a 4.5-cent handling fee. Again, given the sheer number of different wine labels, this type of abuse is nearly impossible to detect. These wine bottles from out of state direct to consumer shippers are considered "free riders" in the bottle redemption system.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.