



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

**TESTIMONY OF  
BRIAN BENESKI AND SCOTT WILSON, BOTTLE REDEMPTION PROGRAM  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN SUPPORT OF**

**L D. 1909**

**AN ACT TO MODERNIZE MAINE'S BEVERAGE CONTAINER REDEMPTION LAW**

**and**

**L D 1910**

**AN ACT TO AMMEND RETURNABLE BEVERAGE CONTAINER PROGRAM**

**SPONSORED BY REP HEPLER AND REP CROCKETT**

**BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING**

**MAY 15, 2023**

Senator Brenner, Representative Gramlich, and members of the Committee, I am Brian Beneski from the Bureau of Remediation and Waste Management, Division of Materials Management, at the Department of Environmental Protection, speaking in support of L D 1909 and L D 1910

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX (207) 287-7826

BANGOR  
106 HOGAN ROAD SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX (207) 941-4584

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  
(207) 764-0477 FAX (207) 760-3143

Maine’s Beverage Container Redemption Program (also known as the “Bottle Bill”) was enacted by a people’s referendum in November of 1976 and was implemented in January of 1978. The statutory intent of the program has not changed since its enactment in 1976. However, the program is showing its age and needs modernization.

The Department supports the goals of these two bills and many of the means they use to achieve them. As the changes proposed are significant, I shall briefly try to summarize them, and will be prepared to discuss the bills in more detail during the work session.

The Department supports the requirement for all initiators of deposit (IODs) to join a commingling group, and to establish the Maine Commingling Cooperative (“Cooperative”). This would allow the sorting of containers by material type and size, rather than by commingling groups or individual brands. Sorting in this manner is considered the gold standard of redemption programs and would reduce the number of current sorts from over 700 to approximately 30. However, these bills approach the administration of new commingling groups differently. L D 1909 would allow any entity to administer the commingling group, whereas L D 1910 would only allow the Cooperative to be the administrator for up to two new groups. The Department does not believe that only the Cooperative should be allowed to form and administer new commingling groups. As there are currently two licensed pick-up agents, they should also be allowed to administer a new group. Allowing the licensed pick-up agents to do this would provide a potential for eight commingling groups under the umbrella of the Cooperative. The Department believes that this is adequate to assure all IODs can find a commingling group that fits their individual needs.

The Department does not concur with the \$100 bounty for non-registered products as provided in L D 1909. This bounty system would be complicated to administer and would not significantly improve the reporting of unregistered containers.

L D 1909 and L D 1910 both provide changes to the current law to address the issue of redemption convenience. The Department believes the best way to address redemption convenience is through setting a standard of requiring the Cooperative to work towards assuring 90% of Maine’s population is within 15 miles of a redemption center. This is a similar standard in other product stewardship programs and is used for Maine’s Paint Care Program. Additionally, changes to the law to clarify the relationship between dealers and redemption centers for providing redemption should also be considered more fully than was addressed by both bills, as this may also assist in providing redemption opportunities.

L D 1909 and L D 1910 both address handling fees in some manner. L D 1909 confirms the recently passed fee increase as provided by L D 134, which has already gone into effect, and requires handling fees to be automatically raised as per the Consumer Price Index (CPI). L D 1910 proposes lowering handling fees and requiring the Cooperative to study possible changes in handling fees as part of its annual report. The Department does support the current handling fee but is not in support of linking the handling fee to the CPI, as this would not take into account any ongoing efficiencies that may come about through changes in technology and logistics. Requiring an analysis of the handling fee and possible adjustment as part of Cooperative’s annual report would be prudent.

L D 1909 and L D 1910 both afford changes to the timing and amount of container pickup at redemption centers. The Department does not support the requirement in L D 1909 of redemption center pick-ups at least every seven days. L D 1910 keeps the pick-up time frame requirement the same but does add the requirement of additional

pickups when redemption centers reach 50,000 containers. However, it does not specify how much is to be removed during these or any pick-ups. To build efficiencies in the pick-up system, pick-up agents should continue to have the flexibility to pick up every 15 days rather than a shorter time frame. However, additional clarification to address how much material must be removed at a given pick up should be considered. If redemption centers are to be picked up by different pick-up agents and there is no requirement to “clean out” material, language to address the possible issue of agents “cherry picking” the material should be considered.

L D 1909 provides an additional handling fee for redemption centers utilizing technology for processing. While the Department is in favor of using technology such as reverse vending machines, we are not in favor of any additional fees for using any sorting technology as this can cause an unlevel playing field for redemption centers. The Department would be supportive of the Cooperative making grants and loans available to help make sorting and pickups more efficient.

L D 1909 provides the Department with an annual fee payment of \$400,000 for the Department’s administrative costs. L D 1910 does not provide for any additional funding to the Department other than the current registration fees from labels, IOD’s, pick-up agents, and redemption center registrations. L D 1909 moves the responsibility of label registrations from the Department to the Cooperative, L D 1910 keeps Department responsibilities the same. The Department concurs with a fee payment from the Cooperative to the Department for oversight costs but would increase the fee from \$400,000 to \$500,000. The Department also concurs with the removal of label registrations from the Department to the Cooperative. The Beverage Container Redemption program has been understaffed since it moved from the Department of Agriculture in 2015 (when it had seven staff) to the Department, which only has two staff members funded by registration fees. With the removal of the responsibility of label

LD 1909 – An Act to Modernize Maine’s Beverage Container Redemption Law *and*

LD 1910 – An Act to Amend the Returnable Beverage Container Program

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registrations, the Department still anticipates four staff members in total to adequately oversee the redemption program

The Department concurs with the support for studying and encouraging the use of refillable containers provided in L D 1909. Refillable containers are consistent with Maine’s Solid Waste Management Hierarchy and the Department is supportive of efforts to encourage their use.

L D 1909 and L D 1910 provide different uses of the unredeemed deposits, also known as escheats. Current law allows commingling groups to keep their escheats as a reward for commingling, and non-commingling IODs must remit their escheats to Maine Revenue Service (MRS) monthly, which are placed in the general fund. L D 1909 allows the commingling groups to keep escheats for costs associated with the redemption program and excess remitted to MRS. L D 1910 allows for the commingling groups to keep the escheats in their entirety unless the overall redemption rate drops below 75%, at which point the state receives the difference between the actual rate and 75%. The Department has no position on the escheats, other than that they would provide a source of revenue for funding the program. Uses of escheats for anything other than funding the program is best considered by the legislature.

In addition to these items outlined, there are other smaller differences, such as reporting requirements, between these bills. These issues would be best discussed during the work session.

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