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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

**TESTIMONY OF**  
**BRIAN BENESKI, SUPERVISOR, RECYCLING PROGRAMS**  
**DIVISION OF MATERIALS MANAGEMENT**  
**BUREAU OF REMEDIATION AND WASTE MANAGEMENT**  
**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN OPPOSITION TO L.D. 1564**  
**AN ACT TO DELAY IMPLEMENTATION OF RECENT CHANGES TO MAINE'S**  
**BEVERAGE CONTAINER REDEMPTION LAW**

**SPONSORED BY REP. SOBOLESKI**

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

**DATE OF HEARING:**

**APRIL 22, 2025**

Senator Tepler, Representative Doudera, and members of the Committee, my name is Brian Beneski and I am the Supervisor of Recycling programs at the Department of Environmental Protection, speaking in opposition to L.D. 1564. The Department's opposition to this bill is due only to uncertainty regarding program staffing.

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Substantial changes to the Beverage Container Redemption Program were authorized by the passage of P.L. 2023 ch. 482, *An Act to Modernize Maine's Beverage Container Redemption Law*. The legislation included three limited-period positions supported by the General Fund. The Department requested that these limited period positions be continued in Part A of the Governor's recommended FY26/27 biennial budget (L.D. 210, Page A-259), with the hope of shifting them to permanent positions covered by Other Special Revenue once fee payments begin. That request was not included in the baseline budget that was recently enacted. Delaying implementation will extend the need for General Fund support for those positions.

38 M.R.S. § 3107(3-B)(G) states:

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

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

*(2) On or before April 1, 2026, and annually thereafter, the cooperative shall pay to the department the annual fee under this*

*paragraph to cover the department's costs for review of the cooperative's annual report under paragraph E and the department's costs in the previous calendar year for its oversight, administration and enforcement of the commingling program implemented under this subsection. The cooperative shall pay the fee required pursuant to this subparagraph at the time it submits the annual report required pursuant to paragraph E.*

If the proposed bill passes, and the dates in this portion of the law are extended for an additional year, the Department would also need to extend the duration of the three limited period positions for an additional year.

If the Legislature wishes to delay implementation, the Department recommends including in statute the date that sorting by material type must begin. Currently, the date is to be set in the plan provided to the Department by the commingling cooperative.

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