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Testimony of Representative Cloutier presenting

LD 1582, An Act to Clarify the Prohibition on the Sale of Beverages in Plastic Containers

Before the Joint Standing Committee on Environment and Natural Resources

Senator Tepler, Representative Doudera, and distinguished members of the Joint Standing Committee on Environment and Natural Resources, I am Kristen Cloutier and I proudly represent House District 94 which includes part of my hometown of Lewiston.

Today, I am pleased to present **LD 1582**, “An Act to Clarify the Prohibition on the Sale of Beverages in Plastic Containers.”

LD 1582 addresses a narrow but important issue in Maine’s beverage container statute. As it stands, Maine law (Title 38, section 3110, subsection 2) prohibits the sale of beverages in containers made of one or more plastics **if the container—excluding the closure device—includes aluminum or steel**. The problem is that “closure device” was never defined in statute, leaving it open to interpretation. The Department of Environmental Protection currently interprets the term narrowly and does not consider the lid of a can to be a closure device.

This interpretation and its subsequent selective enforcement have had an unfortunate consequence: blocking the sale of certain beverages in Maine that are otherwise recyclable and sold in 49 other states and around the world.

Identical beverage containers for wine are even sold in Maine today and are recycled as part of the Bottle Bill. Additionally, similar containers—plastic bottles with metal screw tops—are sold and recycled every day in Maine even with the caps still attached (a representative from Sazerac will provide examples in their testimony).

LD 1582 proposes a simple solution: define “closure device” in a way that reflects its common-sense meaning. The bill defines a closure device as “the part of a beverage container that closes or seals the container,” and explicitly includes lids, caps, corks, plugs, and similar devices—regardless of whether they’re removable. This clarification will bring Maine into alignment with national practice and eliminate confusion for manufacturers, retailers, and regulators alike.

This issue came to my attention through conversations with Sazerac, one of the country’s oldest family-owned distilled spirits companies and a proud member of the Lewiston business community. Sazerac operates the **1820 Spirits facility** in Lewiston, where they employ more than 270 Mainers and have invested over \$10 million since 2018.

One of the products impacted by the current interpretation of statute is **BuzzBallz**, a woman-founded and family-owned ready-to-drink cocktail brand that recently joined the Sazerac portfolio. BuzzBallz are packaged in small, spherical plastic containers with an aluminum pop-top lid — the very kind of closure that Maine’s DEP does not currently recognize under the statute. These containers are **fully recyclable** and are already processed through bottle deposit programs in other states with strong environmental standards like Oregon and Vermont. Additionally, as I have said, similar containers already exist in Maine’s recycle stream.

This bill is not about weakening environmental protections. It’s about **clarity, consistency, and fairness**. We can continue to uphold our recycling values while removing unnecessary roadblocks that disadvantage businesses operating in good faith—particularly those, like Sazerac, who are **creating jobs, investing in Maine communities**, and wanting to expand responsibly.

Thank you for your consideration, and I would be happy to answer any questions.