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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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

**SPEAKING IN OPPOSITION TO L.D. 754**

**AN ACT TO BAN THE SALE, USE AND POSSESSION OF SINGLE-USE  
ELECTRONIC CIGARETTES AND TO REVIEW EXTENDED PRODUCER  
RESPONSIBILITY OPTIONS FOR ALL BATTERIES**

**SPONSORED BY SEN. BENNETT**

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

**DATE OF HEARING:**

**MAY 12, 2025**

Senator Tepler, Representative Gramlich, 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. 754.

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The Department's opposition is related to the portions of L.D. 754 that apply to the Department, and is based simply on a legislative mandate for these activities being unnecessary.

L.D. 754, if passed, would ban the sale, *use, and possession* (emphasis added) of disposable electronic smoking devices. This prohibition would be added to Title 22, Chapter 262-A, which is enforceable by the Department of Public Safety. Although the Department supports the goal of this bill, to limit the pervasiveness of single-use disposable items, enforcement of these prohibitions may be difficult. Any out-of-state visitor with one of these ubiquitous devices, as they are legal in all surrounding states and provinces, would be violating this law once crossing the border with the device and subject to a \$500 penalty. Additionally, the prohibition of this product may well act as a deterrent for someone to dispose or recycle these devices through legitimate means, as someone would not want to "get caught" with an illegal device if utilizing a legitimate disposal means.

This committee recently voted "Ought to Pass, as Amended" for L.D. 1519, An Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products, which if ultimately is passed into law, will require producers of single-use and rechargeable/refillable vape pens to develop and implement a stewardship program for the collection of these devices at end of life. Additionally, vape pens and their cartridges were specifically identified as their own product category for a product stewardship program in the 2025 Annual Product Stewardship Report, as they meet all five criteria under the product stewardship framework law (Title 38, Chapter 18: Product Stewardship). The Department committed to conducting a review of electronic vape pen and cartridge laws in other jurisdictions in the United States and worldwide in 2025, and to present a summary of best practices for Maine and provide language for a proposed product stewardship program law in the 2026 Product Stewardship Annual Report. The Department will still plan to do so if L.D. 1519 does not ultimately pass and

become law, which will provide another opportunity for addressing the end of life for these devices.

In addition to banning the possession of single use vape pens, L.D. 754 also directs the Department to convene a stakeholder group of interested parties to review the feasibility and viability of establishing an extended producer responsibility approach to all batteries not currently covered by an extended producer responsibility requirement. In the Department's 2025 Annual Product Stewardship Report, it was noted that the Department's current rechargeable battery program (*Regulation of certain dry-cell batteries*, 38 M.R.S. § 2165) was originally enacted in 1991, and has not been updated significantly since its enactment, and therefore does not include modern battery chemistries. Additionally, the program only addresses rechargeable batteries and does not include primary batteries. The report also noted that a number of developments, including an increased demand for critical battery minerals and better recycling technology are increasing the recycling options for batteries. The absence of guidance and appropriate collection and recycling facilities have led to safety concerns for battery end-of-life management. The Department therefore committed to conducting a complete review of current battery recycling and stewardship laws in other jurisdictions in the United States in 2025. As part of this review, the Department will plan to convene stakeholder groups as part of its information gathering. We will then present a summary of what it considers best practices for Maine from this review and will provide language for updating and expanding Maine's rechargeable battery program law in the 2026 Annual Product Stewardship Report.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.