



MAINE BEVERAGE ASSOCIATION

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Testimony of Newell Augur Director, Maine Beverage Association

Before the Joint Standing Committee on Environment and Natural Resources In Support of LD 2036, An Act to Clarify the Approval Process for and the Operation of the Commingling Program for the Management of Beverage Containers

February 4, 2026

Good afternoon, Senator Tepler, Representative Doudera and members of the Joint Standing Committee on Environment and Natural Resources. My name is Newell Augur, I am a resident of Yarmouth and a lawyer with Pierce Atwood. I represent the members of the Maine Beverage Association, your local distributors of a variety of refreshing products including diet soda, soda, juices, sports drinks and water. I am here to testify in support of LD 2036, An Act to Clarify the Approval Process for and the Operation of the Commingling Program for the Management of Beverage Containers.

Our association is part of the broader cooperative, the Maine Beverage Redemption Group (MBRG), working to reform the bottle bill to improve efficiency and reduce costs. The underlying objective is to sort the 1 billion containers sold in Maine with a deposit each year by material instead of by brand. This change will benefit local distributors, redemption centers, the Department and our customers. Moreover, reducing inefficiencies and costs in the bottle bill strengthens the program, and thereby benefits the environment.

We appreciate your approval of several changes to the reform law – all unanimously approved by the MBRG (BABLO abstaining) - necessary to make that transition possible. We have not yet had the opportunity to meet with the DEP to review these changes, but hope to do so before the work session. The purpose behind these improvements is to:

- Keep redemption centers paid within the current time frame without adding additional steps and time
- Get the DEP the sales data and other information that it needs
- Keep the money movement as simple and error free as possible
- Reduce administrative costs for the co-operative

§3107 3-B, B – The DEP is reviewing the MBRG's plan subject to section 06-096 C.M.L. ch. 2 § 10(E). Part of that review process requires representations by the applicant that are neither

applicable nor necessary for the review and approval of the MBRG's plan. This change allows the MBRG to submit its plan without individual commingling groups being subject to physical searches of their premises, civil and criminal penalties, including imprisonment, that are part of a typical DEP licensing application or investigation.

§3107 3-B, B (1) – This change provides the necessary incentives to all initiators of deposit selling beverages in Maine to provide auditable sales data to the commingling cooperative. This is essential to the proper allocation of costs and the correct calculation of each commingling groups' unclaimed deposit. All the members of the cooperative want to move to a system where we sort containers by material; that is why we brought this proposal to the Legislature in the first instance. But that transition cannot be done fairly and accurately unless we have sales data from all initiators selling beverages in Maine.

§3107 3-B, B (3); E (4); E (6) - In the interest of reducing costs, this change allows for an independent review, as opposed to an audit, to determine the statewide redemption rate and the financial report of the program. It also gives the cooperative more flexibility in estimating its budget as part of the plan.

§3107 3-B, B (5) - Clarifies that the cooperative's responsibilities, including the payment of handling fees to redemption centers and pick-up agents, can be carried out by the member commingling groups. This is how these payments occur currently. This change ensures timely payment of redemption centers in the near term.

§3107 3-B, B (14); F-1 - Clarifies that expenditures for the use of refillable containers will be guided by the 3rd party study to be conducted on the use of refillable containers initiated on or before December 31, 2027.

§3107 3-B, B (6); §3108-A (2); (3) A - Requires the cooperative account for and report expenditures of unclaimed deposits and removes the requirement that the unclaimed deposits be deposited in a separate account.

§3107 3-B, B (11); §3119 3 - Clarifies that data identified by the commingling groups as proprietary information, including individual sales data of members, commingling agreements, etc., will not be subject to public disclosure.

§3107 3-B, B (13); C (2); §3108-A (1); (2) D - Changes the date for plan implementation and a series of corresponding dates to June 15, 2026 given that the plan is pending approval by the DEP.

§3107 3-B, G (2) and (3) - Clarifies that the department's invoice to the cooperative include the removal of products of non-compliant initiators of deposit, and information as to the specific duties performed by staff.

Thank you for the opportunity to testify. I would be happy to answer any questions.