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**Testimony in Opposition to LD 2036,  
An Act to Clarify the Approval Process for and the Operation of the Commingling Program for  
the Management of Beverage Containers**

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Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee, my name is Vanessa Berry, and I am the Sustainable Maine Program Manager for the Natural Resources Council of Maine (NRCM). I appreciate this opportunity to testify in opposition to LD 2036.

In 2023, this Committee took important steps to modernize Maine's Bottle Bill at a time when many local redemption centers were facing serious financial strain, with some shutting their doors permanently. To keep redemption centers in business, the 131<sup>st</sup> Legislature increased handling fees (LD 134) and made several improvements to reduce the number of container sorts and lower operational costs (LD 1909). While redemption centers were extremely encouraged by these overdue changes, the full benefits from LD 1909 will not be realized until the law is fully implemented.

*Before addressing our specific concerns with the amended bill that we received only yesterday, I should note that we have not had sufficient time to fully review and analyze the Sponsor's amendment. We have identified several initial concerns worth flagging for the Committee that would cause delays or weaken Maine's Bottle Bill, and we may have additional concerns that we will provide in advance of the work session on LD 2036.*

**New Barriers to Commingling and Efficiency**

First, the amendment would require that 90 percent of Initiators of Deposit (IODs) provide "auditable beverage container sales data" before transitioning to full commingling of containers. Without any enforcement and compliance mechanism in place, this provision would create a pathway for delays and force redemption centers to continue sorting by brand, undermining the efficiencies the Legislature intended through LD 1909.

**Reduced Oversight and Performance Accountability**

The amendment would replace third-party audits with less rigorous "reviews" of financial reporting and performance measures like redemption rates. It also would remove evaluation of regional redemption rates. This would limit the state's ability to assess whether convenience standards are working and to identify gaps in recycling access or education.

**Reduced Financial Transparency and Fairness**

The amendment would reduce transparency around cooperative startup costs and how fair payments to commingling groups would be determined. These are core financial components of the program, and reducing visibility into these processes could create a situation where some pay beyond their fair share.

The amendment also would change how unclaimed deposits are managed by eliminating required separation of these funds. NRCM does not support this change. These funds should remain clearly segregated to protect transparency regarding the amount in the fund and how the fund is appropriated.

#### **Delayed Progress on Reuse and Waste Reduction**

The amendment would push back deadlines for the reusable beverage container feasibility study, which would slow advancement of solutions that reduce waste.

#### **Removal of Clear Implementation Deadlines**

We are also concerned about vague language in the amendment, including the proposal to replace a clear 30-day timeline with “a reasonable amount of time.” If flexibility is needed, it should be determined by the Department, not left undefined in statute.

Maine’s Bottle Bill is the state’s most effective recycling program, recycling 75% of eligible containers and diverting millions of containers from the waste stream each year. Passage of LD 1909 has put Maine’s Bottle Bill on a path to be even more effective and sustainable, dramatically reducing litter; increasing the recycling of glass, aluminum, and plastic; and providing jobs in redemption centers statewide.

The changes proposed in LD 2036 would significantly reduce accountability, transparency, and environmental safeguards. For all these reasons, NRCM urges the Committee to vote **Ought Not to Pass** on LD 2036. Thank you for your time and consideration.