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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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

SPEAKING NEITHER FOR NOR AGAINST L.D. 2141

**AN ACT TO DIRECT A PORTION OF UNCLAIMED BEVERAGE CONTAINER
DEPOSITS TO THE LAKE WATER QUALITY RESTORATION AND
PROTECTION FUND AND THE MAINE WORKING FARMLAND ACCESS AND
PROTECTION PROGRAM**

SPONSORED BY SEN. BRENNER

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

DATE OF HEARING:

FEBRUARY 4, 2027

Senator Tepler, Representative Doudera, and members of the Committee, my name is Brian Beneski and I am the Supervisor of Recycling Programs within the Division of Materials Management in the Bureau of Remediation and Waste Management at the Department of Environmental Protection ("Department"), speaking neither for nor

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L.D. 2141: An Act to Direct a Portion of Unclaimed Beverage Container Deposits to the Lake Water Quality Restoration and Protection Fund, the Maine Working Farmland Access and Protection Program and Public Defender Office Staffing
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against L.D. 2141. We are testifying today on the printed bill, including the sponsor's amendment.

L.D. 2141 would direct on an annual basis a specified amount of the unclaimed deposits from the State's Beverage Container Redemption Program, also referred to as "escheats," to two specific uses: \$2,000,000 towards the Department's Lake Water Quality Restoration and Protection Fund and \$2,000,000 towards the Maine Working Farmland Access and Protection Program in the Department of Agriculture, Conservation, and Forestry.

The ability for initiators of deposit ("IODs") to keep escheats was originally provided as an incentive to join "commingling groups" which would allow beverage containers of different IODs to be sorted together within their respective commingling group, thereby lessening the sorting required at redemption centers. Until October 2024, IODs that were not members of a commingling group submitted their escheats to the Maine Revenue Service on a monthly basis. P.L. 2023 Chapter 482, "An Act to Modernize Maine's Beverage Container Redemption Law," required all IODs to join a commingling group. Commingling groups were further required to form a commingling cooperative and develop an operations plan to allow the commingling of all beverage containers by material type, size, and deposit amount, eliminating the need for brand sorting or sorting by commingling group. As soon as the Commingling Cooperative Plan is finalized and approved by the Department, IODs will transfer escheats to the Commingling Cooperative, which will spend them in accordance with 38 M.R.S. § 3108-A for a variety of specified uses, including to offset program costs that would otherwise be owed by IODs.

If the committee moves forward with this bill, the Department recommends adding clarifying language because there is a possibility that the escheats collected may not result in an annual availability of the \$4,000,000 that are earmarked for these programs.

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The Department estimates the current annual amount of escheats to be approximately \$16,000,000. While this is significantly greater than the amount requested by this bill, the cooperative is directed by statute to encourage the redemption of containers which will have the effect of decreasing the available dollar amount of escheats. Specifically, 38 M.R.S. § 3107(3-B)(B)(16) requires the cooperative's operating plan to describe how the cooperative will operate the program in a manner designed to achieve an overall statewide redemption rate for all beverage containers of 75% by January 1, 2027, 80% by January 1, 2032, and of 85% by January 1, 2037. For example, with current sales volume, an 85% redemption rate would result in a decrease in the overall annual escheats by \$8,250,000 leaving just over \$7,000,000 available. In a perfect world, we would ultimately achieve a 100% redemption rate and although that is unlikely, it is possible that a robust system that encourages the public to return their containers may result in there being fewer than \$4,000,000 available in escheats. If this were to happen, it is not clear how the available dollars should be distributed. The bill should include language to address this issue should it ever occur. The Department can provide suggested language if requested for the work session.

As mentioned earlier, L.D. 2141 would provide an annual payment of \$2,000,000 for deposit and use in accordance with the Lake Water Quality Restoration and Protection Fund under 38 M.R.S. § 480-N, which provides the Department with the authority to direct funds for projects to improve or maintain the quality of lake waters in the State. The Department and our many lake partners carry out programs to monitor, protect, and restore lake water quality. These additional funds would be used to address priorities that cannot be adequately addressed currently due to limited resources, rising costs, and federal funding restrictions. Priorities for this additional funding would include:

- 1) water quality monitoring by the Department and partners;
- 2) matching grants for lake water quality restoration and protection projects;
- 3) matching grants for lake alum treatment projects; and
- 4) capacity building support for regional lake programs.

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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.