

### §3109. Redemption centers

**1. Establishment.** Redemption centers may be established and operated by any person or municipality, agency or regional association as defined in section 1303-C, subsection 24, subject to the approval of the commissioner, to serve local dealers and consumers, at which consumers may return empty beverage containers as provided under section 3106.

[PL 2019, c. 526, §9 (AMD).]

**2. Application for approval.** Application for approval of a redemption center must be filed with the department. The application must state the name and address of the person responsible for the establishment and operation of the center and the names and addresses of each dealer with whom the redemption center has entered into a written agreement to provide redemption services in accordance with section 3106, subsection 1 and their distances from the redemption center, as measured along public roadways, and must include a statement that the redemption center will accept and manage all beverage containers the labels for which are registered in accordance with section 3105.

[PL 2019, c. 526, §9 (AMD).]

**3. Approval.** The commissioner may by order approve the licensing of a redemption center if the redemption center complies with the requirements established under section 3113 and the applicable rules adopted pursuant to this chapter.

[PL 2019, c. 526, §9 (AMD).]

**4. Redemption center acceptance refund account.** A licensed redemption center may not refuse to accept from any consumer or dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold in the State as long as the label for the container is registered under section 3105, subsection 5 or refuse to pay in cash the refund value of the returned beverage container as established by section 3103. A redemption center or reverse vending machine is not obligated to count containers or to pay a cash refund at the time the beverage container is returned as long as the amount of the refund value due is placed into an account to be held for the benefit of the consumer and funded in a manner that allows the consumer to obtain deposits due within 2 business days of the time of the return.

[PL 2019, c. 526, §9 (AMD).]

#### **5. Posted lists.**

[PL 2019, c. 526, §9 (RP).]

**5-A. Beverage container handling.** A redemption center shall tender to pick-up agents only beverage containers sold in the State that are placed in shells, shipping cartons, bags or other receptacles in a manner that facilitates accurate eligible beverage container unit counts or, in the case of containers processing through a reverse vending machine or account-based bulk processing program, accurate data regarding the brand, material type and the count or the weight of the eligible beverage containers.

[PL 2023, c. 482, §29 (AMD).]

**5-B. Beverage container auditing.** A redemption center shall prepare beverage containers for pickup by pick-up agents, which are subject to audit pursuant to rules adopted by the department in accordance with this subsection.

A. A redemption center shall label each shell, shipping carton, bag or other receptacle with the business name, initials, redemption center license number or other unique identifying mark and with the number of beverage containers contained in each shell, shipping carton, bag or other receptacle or, in the case of containers processed through a reverse vending machine or account-based bulk processing program, information regarding the material type and the count or weight of the beverage containers contained in the shell, shipping carton, bag or other receptacle. [PL 2023, c. 482, §30 (AMD).]

B. The department, a commingling group or, beginning July 15, 2025, the cooperative may audit shells, shipping cartons, bags or other receptacles that have been prepared for pickup by a redemption center.

(1) An audit may be conducted by the department, a commingling group or, beginning July 15, 2025, the cooperative on site at the redemption center or off site at a different location. Off-site audits may involve the use of bulk redemption technology.

(2) An audit must be conducted on a minimum of 1,000 beverage containers or, in the case of containers processing through a reverse vending machine or account-based bulk processing program, on an equivalent amount by weight of the same material type.

(3) If the results of an audit vary from the information included on the label of the shell, shipping carton, bag or other receptacle required by paragraph A, the department, a commingling group or, beginning July 15, 2025, the cooperative shall, in the case of an on-site audit, require the redemption center to add or remove containers or an equivalent weight of the same material type to address the variation in the results of the audit or, in the case of an off-site audit, require the redemption center to accept payment from the initiator of deposit or pickup agent adjusted in accordance with the variation in the results of the audit.

(4) The department may deny an application for approval of a redemption center under subsection 2 if the redemption center, pursuant to audits conducted by the department in accordance with this subsection, has repeatedly prepared for pickup shells, shipping cartons, bags or other receptacles containing less than 97% of the beverage containers or equivalent weight of the same material type that such shells, shipping cartons, bags or other receptacles are labeled as containing. [PL 2023, c. 482, §30 (AMD).]

[PL 2023, c. 482, §30 (AMD).]

**6. License revocation.** The department may, in a manner consistent with the Maine Administrative Procedure Act, revoke the license of a redemption center if the redemption center has not complied with the commissioner's approval order issued under subsection 3 or if the redemption center no longer provides a convenient service to the public.

[PL 2019, c. 526, §9 (AMD).]

#### SECTION HISTORY

PL 2015, c. 166, §14 (NEW). PL 2019, c. 526, §9 (AMD). PL 2023, c. 482, §§29, 30 (AMD).

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