



132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2036

H.P. 1366

House of Representatives, December 5, 2025

An Act to Clarify the Approval Process for and the Operation of the Commingling Program for the Management of Beverage Containers

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 3, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CAMPBELL of Orrington.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §3107, sub-§3-B, ¶B, as amended by PL 2025, c. 241, §§7 and 8, is further amended by amending subparagraph (1) to read:

(1) The method by which the program will facilitate and, ~~no later than October 1, 2026,~~ complete the transition from beverage container sorting at redemption centers by brand to sorting by material type and, for redemption centers that manually sort containers, by size and deposit value within each material type. The program must be designed to complete this transition no later than October 1, 2026, as long as at least 90% of the initiators of deposit included in the program have provided auditable beverage container sales data to the commingling cooperative by June 30, 2026. The program may facilitate the negotiation of agreements with redemption centers to gather brand data through use of reverse vending machines, account-based bulk processing programs or similar technology as long as the cost of such data collection is paid by the program;

Sec. 2. 38 MRSA §3107, sub-§3-B, ¶C, as amended by PL 2025, c. 241, §9 and affected by §21, is further amended to read:

C. Within 120 days of receipt of a plan submitted by the cooperative under paragraph B, the department shall review the plan and approve the plan, approve the plan with conditions or reject the plan. Prior to determining whether to approve or reject a plan, the department shall hold a public meeting on the plan. The department shall notify the cooperative in writing of its determination and, if the plan is approved with conditions or rejected, shall include in the notification a description of the basis for the conditions or rejection. Notwithstanding any provision of law to the contrary, the department's review of and determination of whether to approve or reject a plan submitted by the cooperative under paragraph B is not a license or permit decision or other final action of the department and is not subject to the rules adopted by the department regarding the processing of applications.

(1) If the cooperative's plan is rejected, it may submit a revised plan to the department within 60 days of receiving the notice of rejection. The department may approve the revised plan as submitted or approve the revised plan subject to the implementation of specific changes required by the department.

(2) If the cooperative's plan is approved in accordance with this paragraph, the cooperative shall implement the plan on or before January 15, 2026 in accordance with the timeline for implementation described in paragraph B, subparagraph (13), subject to any changes or conditions imposed by the department. If the cooperative fails to implement an approved plan on or before January 15, 2026, the initiators of deposit that are members of each of the commingling groups included in the cooperative are deemed to be in violation of this chapter and are subject to penalties pursuant to section 3111.

Sec. 3. Retroactivity. This Act applies retroactively to January 1, 2025.

SUMMARY

This bill amends the laws governing the beverage container redemption program to provide that the operation plan for the management of beverage containers under a single

1 commingling program submitted to the Department of Environmental Protection by the
2 commingling cooperative must be designed to complete the transition from beverage
3 container sorting by brand to sorting by material type no later than October 1, 2026, as long
4 as at least 90% of the initiators of deposit included in the program have provided auditable
5 beverage container sales data to the commingling cooperative by June 30, 2026. It also
6 provides that the department's review of and determination of whether to approve or reject
7 an operation plan submitted by the commingling cooperative is not a license or permit
8 decision or other final action of the department and is not subject to the rules adopted by
9 the department regarding processing of applications. These changes to the laws governing
10 the beverage container redemption program are made retroactive to January 1, 2025.