

§3108-A. Unclaimed deposits

This section governs unclaimed beverage container deposits. [PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

1. Commingling group; unclaimed deposits. Prior to July 15, 2025, unclaimed deposits for nonrefillable beverage containers that are subject to a commingling agreement pursuant to section 3107, subsection 1-A or 1-B are the property of the members of the commingling group administering the agreement. The commingling group shall determine the disposition and use of those unclaimed deposits.

[PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

2. Commingling cooperative; unclaimed deposits. Except as provided in paragraph D, beginning July 15, 2025, unclaimed deposits for nonrefillable beverage containers subject to the requirements of this chapter are the property of the cooperative and, in accordance with rules adopted by the department pursuant to subsection 3, must be deposited and maintained by the cooperative in a separate account or accounts and expended only in accordance with this subsection.

A. The cooperative shall expend unclaimed deposit amounts as provided in paragraphs B and C and may not expend unclaimed deposit amounts to offset legal or lobbying fees or fines incurred by the cooperative, a commingling group or an initiator of deposit. [PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

B. The cooperative shall expend unclaimed deposit amounts for the following purposes:

(1) Payment of the annual fee to the department as provided in section 3107, subsection 3-B, paragraph G;

(2) Reasonable costs of administering the program under section 3107, subsection 3-B, including, but not limited to, staffing costs and office operating costs;

(3) Costs of educational materials and signage provided to dealers and redemption centers regarding redemption instructions and other information, including information regarding the fraudulent redemption of beverage containers in accordance with section 3106, subsection 10;

(4) Reimbursement to dealers and redemption centers of the costs of plastic bags pursuant to section 3106, subsection 9;

(4-A) Funding of activities and infrastructure designed to increase the use of refillable and reusable beverage containers and reusable beverage packaging in the State. The cooperative may expend funds under this subparagraph to support activities and infrastructure designed to increase the use of other types of reusable packaging in the State. The cooperative shall make available a minimum of \$500,000 per calendar year for these activities, which may include, but are not limited to:

(a) Activities and infrastructure relating to the development and implementation of models for refillable beverage container washing techniques, including, but not limited to, mobile washing stations, in-house washing stations and the establishment of a fixed washing facility in the State;

(b) Development of or other activities relating to container, adhesive and label options for refillable beverage containers; and

(c) Outreach to manufacturers, retailers, restaurants and consumers regarding the benefits of refillable beverage containers and the methods available for ensuring such containers may be safely reused; and

(5) Payment of \$500,000 annually to the department for deposit into and use in accordance with the Cost and Carbon Efficient Technology Fund established in section 3114-A.

The cooperative shall include in its annual report required under section 3107, subsection 3-B, paragraph E any recommendations for a reduction in or other amendment to the payment required under this subparagraph that the cooperative believes necessary due to a reduction in the amount of unclaimed deposits available for expenditure in accordance with paragraph C, a surplus of undistributed funding within the Cost and Carbon Efficient Technology Fund established in section 3114-A or for other reasons specified by the cooperative. [PL 2023, c. 529, §§2-4 (AMD); PL 2023, c. 529, §7 (AFF).]

C. Any deposits determined by the cooperative to be unclaimed in accordance with the rules adopted by the department pursuant to subsection 3 that are not expended by the cooperative as otherwise required by this section may be expended by the cooperative to offset other costs incurred by the program, including, but not limited to, costs of beverage container pickups and payment to dealers or redemption centers of required handling fees under section 3106, subsection 7, as long as such expenditures are designed to equitably offset those costs incurred by each member commingling group as determined pursuant to the approved program plan under section 3107, subsection 3-B, paragraph B, subparagraph (2). [PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

D. Notwithstanding any provision of this section to the contrary, if the cooperative fails to implement a program plan approved by the department pursuant to section 3107, subsection 3-B, paragraph C by July 15, 2025, until the cooperative implements an approved program plan, unclaimed deposits for nonrefillable beverage containers subject to the requirements of this chapter must be deposited and maintained by the cooperative, or, in the event the cooperative has not been established, by each commingling group, in a separate account or accounts and in the manner directed by the department must be paid to the department for deposit into and use in accordance with the Beverage Container Enforcement Fund established under section 3114. [PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

[PL 2023, c. 529, §§2-4 (AMD); PL 2023, c. 529, §7 (AFF).]

3. Rules. The department shall adopt rules as necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must include, but are not limited to:

A. Provisions requiring the deposit by the cooperative into and the maintenance by the cooperative of a segregated account or accounts, separate from all other revenues, of the refund value for all nonrefillable beverage containers subject to the requirements of this chapter and sold by the members of the cooperative; [PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

B. Provisions regarding the method and process by which the cooperative shall calculate the total amount of deposits determined to be unclaimed during the previous calendar year and the total amount of those deposits expended by the cooperative in accordance with this section during the previous calendar year; and [PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

C. Any other provisions relating to the accounting for, determination of or expenditure of unclaimed deposits by the cooperative pursuant to this section. [PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

[PL 2023, c. 482, §28 (NEW); PL 2023, c. 482, §43 (AFF).]

SECTION HISTORY

PL 2023, c. 482, §28 (NEW). PL 2023, c. 482, §43 (AFF). PL 2023, c. 529, §§2-4 (AMD). PL 2023, c. 529, §7 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.