



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

MEMORANDUM

TO: Direct Shippers of Wine

FROM: Maine Beverage Container Redemption Program

DATE: June 4, 2025

RE: Obligations under [Manufacturers, Distributors, and Dealers of Beverage Containers, 38 M.R.S. §§ 3101-3119](#).

On July 1, 2025, per [Malt Liquor And Wine Wholesale Licensees, 28-A M.R.S. § 1403-A\(15-A\)](#), businesses engaging in the direct shipment of wine into the State of Maine are no longer exempt from Maine's Beverage Container Redemption Program ([Manufacturers, Distributors, and Dealers of Beverage Containers, 38 M.R.S. §§ 3101-3119](#)).

38 M.R.S. §§ 3101-3119 is the governing statute for Maine's Beverage Container Redemption Program. Program rules are in [Responsibilities under the Returnable Beverage Container Law, 06-096 C.M.R. ch. 426](#). This law requires that every beverage¹ in a beverage container² have a deposit value that can be redeemed when the container is returned for reuse or recycling. The initiator of deposit (IOD) is the party responsible for charging the initial deposit and for managing containers that have been redeemed. IODs must join a commingling group to allow redeemed containers to be managed together within that group. Additionally, the commingling groups formed a cooperative (as required by 38 M.R.S. § 3107 (3-B)) to facilitate the commingling of all containers by material type, size, and deposit by October 1, 2026. The commingling groups are the governing bodies of the cooperative, however the ultimate responsibility for its management rests with the IODs through their respective commingling group.

Unless you only sell wine in containers that do not meet the definition of a beverage container, as a direct shipper of wine, **you are becoming an IOD for at least some of your products**. Each

¹ 38 M.R.S. § 3102(1) defines a beverage as, "...beer, ale or other drink produced by fermenting malt, spirits, wine, hard cider, wine coolers, soda or noncarbonated water and all nonalcoholic carbonated or noncarbonated drinks in liquid form and intended for internal human consumption, except for unflavored rice milk, unflavored soymilk, milk and dairy-derived products."

² 38 M.R.S. § 3102(2) defines a beverage container as, "...a bottle, can, jar or other container made of glass, metal or plastic that has been sealed by a manufacturer and at the time of sale contains 4 liters or less of a beverage. "Beverage container" does not include a container composed, in whole or in part, of aluminum and plastic or aluminum and paper in combination as long as the aluminum content represents 10% or less of the unfilled container weight, the container materials represent 5% or less of the total weight of the container and its contents and the container is filled with a nonalcoholic beverage. "Beverage container" does not include a container composed of cardboard in combination with a plastic liner."

unique beverage container sold into the State of Maine must have an IOD. The IOD for each product must be either:

1. A geographically exclusive distributor, per [06-096 C.M.R. ch. 426 § 6\(D\)](#); or
2. In the case where there is not a geographically exclusive distributor, the manufacturer, in accordance with 06-096 C.M.R. ch. 426 § 6(C). The manufacturer is defined as a person that:
 - A. Sells or offers for sale a beverage in the State under the manufacturer's brand or label;
 - B. Licenses another person to sell or offer for sale a beverage in the State under the manufacturer's brand or label;
 - C. Imports into the United States for sale or offering for sale in the State a beverage that is manufactured outside of the United States by another person without a presence in the United States; or
 - D. Is an out-of-state wholesaler of liquor that holds a certificate of approval issued pursuant to Title 28-A.

If a label you sell directly to consumers is also offered for sale at retail locations in the State distributorships are not geographically exclusive and you are the IOD for that label, for both the beverage containers you direct ship to consumers and the beverage containers sold through distributors at retail. You are not the IOD for a label that is sold through distributors and not through direct shipping. Please be in touch if you have any questions about the containers for which you will act as the IOD.

Information on your responsibilities under 38 M.R.S. §§ 3101-3119 and 06-096 C.M.R. ch. 426 are listed below.

Initiator of Deposit License

As an IOD you must be licensed annually by the Department, in accordance with Maine's *Returnable Beverage Container Law*, [38 M.R.S. § 3113\(1-A\)](#).

You will need to renew your license with the Department annually using the [Beverage Container Label Registration and Licensing Portal](#).

Commingling Group Requirement

As an IOD you must join a commingling group, in accordance with Maine's *Returnable Beverage Container Law*, [38 M.R.S. § 3107\(1\)](#).

A commingling agreement allows for all products within a group to be sorted and picked up together, creating a more efficient system. A list of commingling groups and contact information is attached. A commingling group must allow you to join if you meet

requirements. If you feel you meet the criteria of the original commingling agreement and you have been denied entry, please notify the Department.

Label Registration

As a manufacturer, you must register labels, in accordance with Maine's *Returnable Beverage Container Law*, [38 M.R.S. § 3105\(5\)](#), on our online [portal](#).

Every label must either be renewed annually or disabled.

Reporting Requirements

As an IOD you must report to the Department on the number of containers initiated and redeemed, in accordance with Maine's *Returnable Beverage Container Law*, [38 M.R.S. § 3119\(1\)](#).

These reports are due annually on March 1st. All IODs must report their sales and numbers of containers redeemed by container type and redemption value.

Post-Consumer Recycled Content Law

If you are an IOD selling plastic beverage containers into the state, you must meet the requirements of [Plastic Beverage Containers, 38 M.R.S. 1615](#).

This law requires annual reporting of the total amount of plastic used in containers sent into the state and the amount of post-consumer recycled (PCR) plastic used in containers sent into the state. Beginning in 2027, IODs will pay fees if the total PCR plastic used in their beverage containers does not meet minimum requirements.

Please contact Katelyn Sheeley at Katelyn.M.Sheeley@maine.gov and (207)-592-3910 for more information about PCR reporting.

Sale of wine product without proper labeling of refund value

All beverage containers sold into the state must be labeled to indicate their redemption value. As an IOD for wine products, you may affix a sticker to your product to indicate the refund value. Before using a sticker, you must submit a sample to the Department for approval. Approval is based on readability, suitability, and durability.

Prohibited Containers

It is illegal to sell into the State:

1. Beverage containers that are not subject to a commingling agreement [[38 M.R.S. §3107](#)];

2. A metal beverage container designed to be opened without a separate can opener, except when the only removable part is adhesive-backed tape, a sanitary cover, or a screw-off cap, [[06-096 C.M.R. ch. 426 §2\(A\)](#)];
3. A container composed of one or more plastics if the basic structure of the container, exclusive of the closure device, also includes aluminum or steel, [[06-096 C.M.R. ch. 426 §2\(B\)](#)]; or
4. A container which is labeled in a way that does not meet the requirements of [06-096 C.M.R. ch. 426](#) and [38 M.R.S. §§3101-3119](#).

If you need further guidance concerning Maine's *Returnable Beverage Container Law*, please contact Marisa Brennan at (207) 458-7542 or marisa.brennan@maine.gov.

Sincerely,



Elena Bertocci
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Enclosed
Commingling Group Contact List