

§3113. Licensing requirements

A license issued annually by the department is required before any person may initiate deposits under section 3103, operate a redemption center under section 3109 or act as a contracted agent for the collection of beverage containers under section 3106, subsection 8 or 8-A. [PL 2023, c. 482, §32 (AMD).]

1. Procedures; licensing fees. The department shall adopt rules establishing the requirements and procedures for issuance of licenses and annual renewals under this section, including a fee structure. [PL 2019, c. 526, §10 (AMD).]

1-A. Licensing fees. An applicant under this section shall include the following fees with a license application and an annual license renewal application.

A. An applicant for approval of a redemption center shall submit a \$100 license fee with an initial application and subsequent annual applications. [PL 2021, c. 186, §19 (NEW).]

B. An applicant for approval as an initiator of deposit:

(1) Of a small brewery as defined in Title 28-A, section 2, subsection 29 or a small winery as defined in Title 28-A, section 2, subsection 29-B that produces no more than 50,000 gallons of its product or a bottler of water that annually sells no more than 250,000 containers, each containing no more than one gallon of its product, shall submit an annual license fee of \$50;

(2) Of a small beverage producer whose total production of all beverages from all combined manufacturing locations is less than 50,000 gallons annually shall submit an annual license fee of \$50; and

(3) Other than under subparagraphs (1) or (2) shall submit an annual license fee of \$500. [PL 2021, c. 186, §19 (NEW).]

C. An applicant for approval as a contracted agent for the collection of beverage containers shall submit a \$500 annual license fee with each application. [PL 2021, c. 186, §19 (NEW).]
[PL 2021, c. 186, §19 (NEW).]

2. Redemption center licensing criteria. The department shall adopt rules establishing the minimum licensing criteria for approval of redemption center licenses. The rules must include, but are not limited to, provisions regarding:

A. The health and safety of the public and of redemption center employees, including sanitation protection when food is also sold on the premises; [PL 2023, c. 482, §33 (AMD).]

B. The convenience for the public, including the distribution of centers by population or by distance, or both; [PL 2019, c. 526, §10 (AMD).]

C. The proximity of a proposed redemption center to existing redemption centers and the potential impact that the location of a proposed redemption center may have on an existing redemption center; [PL 2023, c. 482, §33 (AMD).]

D. The record of compliance with this chapter and rules adopted by the department pursuant to this chapter of a proposed owner of a redemption center; [PL 2023, c. 482, §33 (AMD).]

E. The hours of operation of a proposed redemption center and existing redemption centers in the proximity of a proposed redemption center; [PL 2023, c. 482, §33 (AMD).]

F. The size of a proposed redemption center, including the specific areas for customer drop-off and beverage container storage; and [PL 2023, c. 482, §33 (NEW).]

G. Access to a proposed redemption center for customers and pick-up agents, including vehicle and pedestrian access and loading and unloading zones. [PL 2023, c. 482, §33 (NEW).]

Rules adopted by the department pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 482, §33 (AMD).]

3. Location of redemption centers; population requirements. The department may grant a license to a redemption center if the following requirements are met:

A. The department may license up to 5 redemption centers in a municipality with a population over 30,000; [PL 2015, c. 166, §14 (NEW).]

B. The department may license up to 3 redemption centers in a municipality with a population over 20,000 but no more than 30,000; and [PL 2015, c. 166, §14 (NEW).]

C. The department may license up to 2 redemption centers in a municipality with a population over 5,000 but no more than 20,000. [PL 2015, c. 166, §14 (NEW).]

For a municipality with a population of no more than 5,000, the department may license redemption centers in accordance with rules adopted by the department.

[PL 2019, c. 526, §10 (AMD).]

4. Exceptions. Notwithstanding subsection 3:

A. An owner of a redemption center who is renewing the license of a redemption center licensed by the department as of April 1, 2009 need not comply with subsection 3; [PL 2015, c. 166, §14 (NEW).]

B. An entity that is a distributor licensed by or registered with the department need not comply with subsection 3; [PL 2019, c. 526, §10 (AMD).]

C. A reverse vending machine is not considered a redemption center for purposes of subsection 3 when it is located in a licensed redemption center; and [PL 2015, c. 166, §14 (NEW).]

D. The department may grant a license that is inconsistent with the requirements set out in subsection 3 only if the applicant has demonstrated a compelling public need for an additional redemption center in the municipality. [PL 2015, c. 166, §14 (NEW).]

[PL 2019, c. 526, §10 (AMD).]

5. Convenience standard. On or after July 15, 2025, the department shall adopt rules establishing requirements for the implementation by the cooperative of an efficient beverage container collection system of redemption centers that is adequate to serve the needs of consumers in both rural and urban areas throughout the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. The beverage container collection system to be implemented must be designed to provide a geographical distribution of redemption locations and of redemption options for consumers, including, but not limited to, manual sorting, reverse vending machines, bag drop programs and account-based bulk processing programs, including those options that provide for immediate payment of the refund value to a consumer as well as those that provide payment of the refund value within a specified period of time following beverage container drop-off. [PL 2023, c. 482, §34 (NEW).]

B. In establishing requirements for the beverage container collection system to be implemented, the department shall consider geographical limitations, population densities and reasonable days and hours of operation for redemption centers and may consider options for expanding redemption opportunities for consumers at locations other than redemption centers, including, but not limited to, at dealers and transfer stations. [PL 2023, c. 482, §34 (NEW).]

[PL 2023, c. 482, §34 (NEW).]

SECTION HISTORY

PL 2015, c. 166, §14 (NEW). PL 2019, c. 526, §10 (AMD). PL 2021, c. 186, §19 (AMD). PL 2023, c. 482, §§32-34 (AMD).

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