

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 102

H.P. 88

House of Representatives, January 15, 2019

An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: BEEBE-CENTER of Rockland, PIERCE of Falmouth, RYKERSON of
Kittery, STOVER of Boothbay.

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

2 **Sec. 1. 38 MRSA §1611** is enacted to read:

3 **§1611. Single-use plastic beverage containers and plastic beverage caps**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Beverage" means any of the following products that are in liquid, ready-to-drink
7 form and are intended for human consumption: beer and malt beverages; wine or
8 distilled spirits coolers; carbonated and noncarbonated water; soda; carbonated and
9 noncarbonated soft drinks and fruit drinks; coffee and tea drinks; and vegetable juice
10 in plastic beverage containers of 16 ounces or less.

11 B. "Manufacturer" means a person, partnership, association, corporation or other
12 entity that, through its own action or through contract or control of another entity, is
13 primarily responsible for the production of a beverage held in a single-use plastic
14 beverage container and sold, offered for sale or distributed for sale in the State.

15 C. "Plastic" means a synthetic material made from fossil fuel or organic-based
16 polymers, such as polyethylene, polystyrene, polypropylene and polycarbonate, that
17 can be molded or blown into specific shapes.

18 D. "Plastic beverage cap" means a cap that is composed wholly or in large part of
19 plastic and that is screwed onto or otherwise affixed to a single-use plastic beverage
20 container. "Plastic beverage cap" does not include a cap that is composed wholly or
21 in large part of a nonplastic material but includes a plastic seal.

22 E. "Postconsumer recycled plastic" means plastic produced from the recovery,
23 separation, collection and reprocessing of plastic that would otherwise be disposed of
24 or processed as waste.

25 F. "Single-use plastic beverage container" means an individual bottle, can, jar, carton
26 or other container that:

27 (1) Is composed wholly or in large part of plastic;

28 (2) Contains one liter or less of a beverage; and

29 (3) Is intended to be disposed of after one use.

30 "Single-use plastic beverage container" does not include a container that is composed
31 of nonplastic materials only but includes a plastic beverage cap; a cup or other similar
32 open or loosely sealed container; or a container that is intended by the producer to be
33 reused for the same purpose multiple times.

34 **2. Single-use plastic beverage containers.** Beginning January 1, 2020, a
35 manufacturer may not sell, offer for sale or distribute for sale in the State a single-use
36 plastic beverage container unless the container is composed of at least 15% postconsumer
37 recycled plastic. Beginning January 1, 2022, a manufacturer may not sell, offer for sale
38 or distribute for sale in the State a single-use plastic beverage container unless the
39 container is composed of at least 20% postconsumer recycled plastic. Beginning January

1 1, 2024, a manufacturer may not sell, offer for sale or distribute for sale in the State a
2 single-use plastic beverage container unless the container is composed of at least 25%
3 postconsumer recycled plastic.

4 **3. Plastic beverage caps.** Beginning January 1, 2020, a manufacturer may not sell,
5 offer for sale or distribute for sale in the State a single-use plastic beverage container with
6 a plastic beverage cap unless the cap is composed of the same plastic as the beverage
7 container in accordance with the Standard Practice for Coding Plastic Manufactured
8 Articles for Resin Identification of the American Society for Testing and Materials,
9 ASTM D7611, and:

10 A. The cap is tethered to the container in a manner that prevents the separation of the
11 cap from the container when the cap is removed; or

12 B. The cap includes an opening from which the beverage can be consumed while the
13 cap remains screwed onto or otherwise affixed to the container.

14 **4. Manufacturer compliance.** This subsection governs compliance by
15 manufacturers with the requirements of this section.

16 A. A manufacturer that produces single-use plastic beverage containers shall provide
17 to the department upon request all information necessary for the department to
18 determine the manufacturer's compliance with the requirements of this section.

19 B. In determining whether an entity meets the definition of "manufacturer" under
20 subsection 1, paragraph B, the department shall consider, without limitation, the
21 following factors:

22 (1) The ownership of the brand name of a beverage contained in a single-use
23 plastic beverage container;

24 (2) The primary control or influence over the design of a beverage contained in a
25 single-use plastic beverage container; and

26 (3) The primary control or influence over the design of a single-use plastic
27 beverage container in which a beverage is contained.

28 C. An entity with a legally recognized corporate relationship to a manufacturer that
29 is subject to the requirements of this section may, on behalf of that manufacturer and
30 following notification to the department, assume the manufacturer's responsibilities
31 under this section.

32 D. The requirements of this section do not apply to a manufacturer of beer, wine or
33 spirits that annually produces 50,000 gallons or less of its product or to a
34 manufacturer of beverages other than beer, wine or spirits that annually produces
35 250,000 or fewer single-use plastic beverage containers containing its product.

36 **5. Administration and enforcement; rules.** The department shall administer and
37 enforce this section. The department may adopt rules to implement this section. Rules
38 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
39 chapter 375, subchapter 2-A.

1

SUMMARY

2 This bill prohibits, beginning January 1, 2020, a manufacturer from selling, offering
3 for sale or distributing for sale in the State a single-use plastic beverage container unless
4 the container is composed of at least 15% postconsumer recycled plastic. Beginning
5 January 1, 2022, this threshold for the percentage of postconsumer recycled plastic in
6 single-use plastic beverage containers increases to 20% and, beginning January 1, 2024,
7 the threshold increases to 25%.

8 The bill also prohibits, beginning January 1, 2020, a manufacturer from selling,
9 offering for sale or distributing for sale in the State a single-use plastic beverage container
10 with a plastic beverage cap unless the cap is composed of the same plastic as the beverage
11 container and the cap is tethered to the container in a manner that prevents the separation
12 of the cap from the container when the cap is removed or the cap includes an opening
13 from which the beverage can be consumed while the cap remains screwed onto or
14 otherwise affixed to the container.