

MAINE STATE LEGISLATURE

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Date: 5/10/19

L.D. 1431
(Filing No. H-237)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1041, L.D. 1431, "Resolve, To Support Municipal Recycling Programs"

Amend the resolve by striking out all of the emergency preamble (page 1, lines 1 to 29 in L.D.).

Amend the resolve by striking out all of section 1 and inserting the following:

- Sec. 1. Development of product stewardship law for packaging.**
Resolved: That the Department of Environmental Protection shall develop legislation establishing an extended producer responsibility law for packaging in the State. The proposed legislation must, to the greatest extent practicable, adhere to the product stewardship framework law established in the Maine Revised Statutes, Title 38, chapter 18 and must include, but is not limited to:
1. A definition of "packaging" that covers, at a minimum, materials used to wrap or protect consumer goods, including food and personal care products, and containers and packaging used in the shipping, storage, protection and marketing of consumer products;
 2. A definition of "producer" that clearly identifies the person ultimately financially responsible;
 3. Exemptions for small producers and for product packaging that is already covered under Maine's beverage container redemption law;
 4. An allowance for producers to voluntarily participate in the program if not required by the law;
 5. Provisions for the establishment of a nonprofit stewardship organization of producers of packaging to support the State's municipal solid waste management programs. The agreement establishing the stewardship organization must require producers to:
 - A. Cover at least 80% of the cost of recycling packaging material sold in the State that is not readily recyclable;

COMMITTEE AMENDMENT

- 1 B. Provide per capita reimbursement payments to municipalities for nonrecyclable
2 packaging to help municipalities cover the cost of packaging needing disposal; and
3 C. Invest in waste reduction and recycling education and infrastructure;
- 4 6. A requirement that the stewardship organization establish an equitable funding
5 scheme among covered producers that encourages better packaging design in which:
6 A. Producers pay higher fees for packaging materials sold into the market that are
7 not readily recyclable, are made of multiple materials or are toxic, in order to
8 discourage the creation of materials needing disposal; and
9 B. Producers pay lower fees for packaging materials sold into the market that are of
10 higher value reusable components and that contain higher percentages of recycled
11 content to ensure that the stewardship program supports a strong recycling economy;
- 12 7. A description of the preferred methods to be used for regular data collection and
13 reporting and recycling rate and contamination calculations in order that:
14 A. There is transparency and accountability in assessing the success of the program;
15 B. The costs of collecting and reporting data are paid for by the stewardship
16 organization; and
17 C. There is consistency with internationally accepted standards and there is sufficient
18 information to evaluate the effectiveness of the program;
- 19 8. Creation of incentives for municipalities and producers to reach predetermined
20 performance goals based on reporting and data collection as described in subsection 7;
21 and
- 22 9. Establishment of a method by which producers can protect themselves against
23 producers that fail to register with a program. These methods may include private right of
24 action, requirements that online retailers of packaging be responsible for paying into a
25 fund in support of the program if the products they sell are from producers who are not
26 part of the stewardship program or other strategies that ensure fairness and full
27 compliance.'
- 28 Amend the resolve by striking out all of the emergency clause.
- 29 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
30 section number to read consecutively.

31 **SUMMARY**

32 This amendment removes from the resolve the emergency preamble and emergency
33 clause and clarifies the scope of the new packaging stewardship program to be developed
34 by the Department of Environmental Protection under the resolve.

35 **FISCAL NOTE REQUIRED**

36 (See attached)



129th MAINE LEGISLATURE

LD 1431

LR 266(02)

Resolve, To Support Municipal Recycling Programs

Fiscal Note for Bill as Amended by Committee Amendment *A(H-237)*

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional cost to the Department of Environmental Protection to develop proposed legislation to establish a new product stewardship program requiring producers of packaging to assist Maine municipalities in managing and financing packaging waste disposal and recycling programs in the State is anticipated to be minor and can be absorbed within existing budgeted resources.