

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

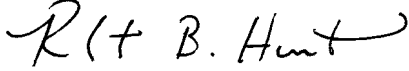
No. 1122

H.P. 741

House of Representatives, March 18, 2025

An Act to Amend the Law Banning Single-use Carry-out Bags

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


ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Scarborough.
Cosponsored by Representatives: BELL of Yarmouth, OSHER of Orono.

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

2 **Sec. 1. 38 MRSA §1611, sub-§1, ¶A-1** is enacted to read:

3 A-1. "Carry-out bag" means a bag provided to a customer by a retail establishment for
4 transporting merchandise purchased by the customer away from the retail
5 establishment or for packaging, protecting or otherwise containing merchandise within
6 the retail establishment. "Carry-out bag" includes a single-use carry-out bag, a
7 recycled paper carry-out bag, a reusable fabric carry-out bag and a reusable plastic
8 carry-out bag.

9 **Sec. 2. 38 MRSA §1611, sub-§1, ¶B**, as enacted by PL 2019, c. 346, §2, is
10 amended to read:

11 B. "Point of sale" means a location where merchandise purchased by a customer is
12 transferred to the customer, including, but not limited to, a check-out stand, cash
13 register, self-service check-out kiosk or other point of departure from a retail
14 establishment, including an in-store or curbside pickup location, and any other location,
15 including the customer's home, at which the purchased merchandise is delivered or
16 otherwise transferred to the customer.

17 **Sec. 3. 38 MRSA §1611, sub-§1, ¶C**, as enacted by PL 2019, c. 346, §2, is
18 amended to read:

19 C. "Post-consumer recycled ~~material fiber~~" means a recycled ~~material fiber~~ that, if not
20 recycled, would otherwise have been destined for solid waste disposal, having
21 completed its intended end use and product life cycle. "Post-consumer recycled
22 ~~material fiber~~" does not include ~~materials fibers~~ and by-products generated from, and
23 commonly reused in, an original manufacturing and fabrication process.

24 **Sec. 4. 38 MRSA §1611, sub-§1, ¶D**, as enacted by PL 2019, c. 346, §2, is
25 amended to read:

26 D. "Recycled paper carry-out bag" means a ~~paper~~ carry-out bag made of paper that:

27 (1) Is 100% recyclable; and

28 (2) Contains at least ~~20%~~ 40% post-consumer recycled ~~material~~ if it has a capacity
29 to hold at least 8 pounds fiber, at least 40% nonwood renewable fiber or a
30 combination of post-consumer recycled fiber and nonwood renewable fiber that
31 comprises at least 40% of the fiber from which the bag is made.

32 **Sec. 5. 38 MRSA §1611, sub-§1, ¶G**, as enacted by PL 2019, c. 346, §2, is
33 repealed.

34 **Sec. 6. 38 MRSA §1611, sub-§1, ¶G-1** is enacted to read:

35 G-1. "Reusable fabric carry-out bag" means a carry-out bag that:

36 (1) Has sewn or stitched handles;

37 (2) Is made from cloth, fabric, hemp or other fiber, whether woven or nonwoven,
38 and is not made from plastic;

39 (3) Is machine washable and machine dryable or has the capability of being
40 cleaned and disinfected regularly;

1 (4) Is specifically designed and manufactured for reuse multiple times and to
2 withstand a minimum of 125 repeated uses; and

3 (5) Has the capability of carrying a minimum weight of 18 pounds over a minimum
4 distance of 300 feet.

5 **Sec. 7. 38 MRSA §1611, sub-§1, ¶G-2** is enacted to read:

6 G-2. "Reusable plastic carry-out bag" means a carry-out bag that:

7 (1) Has sewn or stitched handles;

8 (2) Is made wholly or partially of plastic fiber, whether woven or nonwoven, and
9 is not made of plastic film of any thickness;

10 (3) Is machine washable and machine dryable or has the capability of being
11 cleaned and disinfected regularly;

12 (4) Is specifically designed and manufactured for reuse multiple times and to
13 withstand a minimum of 125 repeated uses; and

14 (5) Has the capability of carrying a minimum weight of 18 pounds over a minimum
15 distance of 300 feet.

16 **Sec. 8. 38 MRSA §1611, sub-§1, ¶H**, as amended by PL 2019, c. 674, §1, is further
17 amended to read:

18 H. "Single-use carry-out bag" means a carry-out bag that is made of plastic, paper or
19 ~~other material provided by a retail establishment within the retail establishment for the~~
20 ~~purpose of transporting merchandise away from the retail establishment or for~~
21 ~~packaging, protecting or otherwise containing merchandise within the retail~~
22 ~~establishment~~ specifically designed and manufactured for single use and that is not a
23 recycled paper carry-out bag or, a reusable fabric carry-out bag or a reusable plastic
24 carry-out bag.

25 **Sec. 9. 38 MRSA §1611, sub-§2, ¶A**, as enacted by PL 2019, c. 346, §2, is
26 amended to read:

27 A. Except as otherwise provided in this subsection, ~~beginning April 22, 2020,~~ a retail
28 establishment may not provide a single-use carry-out bag to a customer at the point of
29 sale or otherwise make single-use carry-out bags available to customers.

30 **Sec. 10. 38 MRSA §1611, sub-§2, ¶B**, as enacted by PL 2019, c. 346, §2, is further
31 amended by amending subparagraph (2) to read:

32 (2) Bags without handles used to protect items from being damaged or from
33 damaging or contaminating other purchased items placed in a recycled paper carry-
34 out bag or, a reusable fabric carry-out bag or a reusable plastic carry-out bag;

35 **Sec. 11. 38 MRSA §1611, sub-§3**, as amended by PL 2021, c. 186, §18, is further
36 amended to read:

37 **3. Recycled paper carry-out bag fees and reusable plastic carry-out bag fees;**
38 **exemptions.** This subsection governs fees assessed on recycled paper carry-out bags and
39 on reusable plastic carry-out bags ~~made of plastic.~~

1 A. ~~Beginning January 15, 2021~~ a A retail establishment may provide a recycled paper
2 carry-out bag or a reusable plastic carry-out bag ~~made of plastic~~ to bag products at the
3 point of sale as long as the retail establishment charges a fee of at least ~~5¢~~ 10¢ per bag.

4 (1) All amounts collected pursuant to this paragraph are retained by the retail
5 establishment and may be used for any lawful purpose.

6 (2) A retail establishment may not rebate or otherwise reimburse a customer any
7 portion of the fee charged pursuant to this paragraph.

8 B. The requirement to charge a fee under paragraph A does not apply to:

9 (1) Stores at which less than 2% of retail sales are attributed to the sale of food
10 and that have less than 10,000 square feet of retail area;

11 (2) Restaurants; or

12 (3) Hunger relief organizations engaged in distributing food directly to consumers
13 at no charge.

14 A retail establishment exempt from charging a fee under this paragraph may charge a
15 fee for a recycled paper carry-out bag or a reusable plastic carry-out bag ~~made of~~
16 plastic.

17 **Sec. 12. 38 MRSA §1611, sub-§5**, as amended by PL 2019, c. 617, Pt. J, §2, is
18 further amended to read:

19 **5. Preemption.** To ensure maximum effectiveness through uniform statewide
20 application, the State intends to occupy the whole field of regulation of ~~single-use~~ carry-
21 out bags at retail establishments ~~beginning March 17, 2020~~. A local government may not
22 adopt an ordinance regulating ~~single-use~~ carry-out bags at retail establishments, and,
23 ~~beginning January 15, 2021~~, any ordinance or regulation that violates this subsection is
24 void and has no force or effect.

25 **Sec. 13. Effective date.** This Act takes effect January 1, 2026.

26 SUMMARY

27 This bill amends the law banning the use of single-use plastic carry-out bags at retail
28 establishments to clarify the scope of that law by incorporating new definitions for
29 "recycled paper carry-out bag," "reusable fabric carry-out bag" and "reusable plastic carry-
30 out bag." It also amends related definitions and makes other associated technical changes,
31 including amending the definition of "point of sale" to provide that the law's prohibitions
32 and other provisions apply to bags provided to a customer at self-service check-out kiosks,
33 at in-store or curbside pickup locations and at any other location, including a customer's
34 home, at which purchased merchandise is delivered or otherwise transferred to the
35 customer.

36 The bill also increases from 5 cents to 10 cents the fee that a retail establishment must
37 charge for each recycled paper carry-out bag or reusable plastic carry-out bag used to bag
38 products at the point of sale.

39 These changes to the law banning the use of single-use plastic carry-out bags at retail
40 establishments are effective January 1, 2026.