

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2133

S.P. 825

In Senate, January 5, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BOST of Penobscot.

Cosponsored by Representative DAGGETT of Augusta and Representative COLES of Harpswell.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Promote Markets for Recycled Newspapers.



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

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38 MRSA §2141 is enacted to read:

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§2141. Recycled content of newsprint

6
1. Definitions. As used in this section, unless the
8 context otherwise indicates, the following terms have the
10 following meanings.

12 A. "Consumer of newsprint" means a person who uses
14 newsprint in a commercial printing operation or in a
16 commercial publishing operation.

18 B. "Deink" or "deinking old newspapers" means a process
20 where newspaper is mixed with water, the paper fibers are
22 separated to form a paper pulp, and the pulp is cleaned to
24 remove contaminants.

26 C. "Newsprint" means uncoated paper, whether
28 supercalendered or machine finished, of the type generally
30 used for, but is not limited to, the publication of
32 newspapers, commercial advertising inserts, directories, or
34 commercial advertising mailers, which is made primarily from
36 mechanical woodpulp combined with some chemical woodpulp.
38 "Newsprint" includes paper made from old newspapers which
40 have been deinked, using the recycled pulp in lieu of virgin
42 pulp. "Newsprint" includes all grades of paper sold as
44 newsprint, supercalendered, uncoated groundwood or
46 machine-finished, uncoated groundwood.

D. "Old newspaper" or "recovered newspaper" means any
newsprint that is separated from other types of solid waste
or collected separately from other types of solid waste and
made available for reuse in making new newsprint, and that
meets quality standards for use as a raw material in the
manufacture of a new paper product.

E. "Post-consumer waste paper" means a finished material
that would normally be disposed of as a solid waste, having
completed its life cycle as a consumer item, including, but
not limited to, printing plant waste paper.

F. "Recycled-content newsprint" means newsprint in which
not less than 40% of the fiber consists of post-consumer
waste paper.

2 2. Recycled-content newsprint program. Every consumer of
3 newsprint in the State shall use the following percentage of
4 newsprint with recycled content:

5 A. For the year ending December 31, 1993, 20% of the amount
6 of newsprint used in 1992;

7 B. For the year ending December 31, 1994, 30% of the amount
8 of newsprint used in 1993;

9 C. For the year ending December 31, 1995, 40% of the amount
10 of newsprint used in 1994;

11 D. For the year ending December 31, 1996, 60% of the amount
12 of newsprint used in 1995;

13 E. For the year ending December 31, 1997, 80% of the amount
14 of newsprint used in 1996; and

15 F. For any year thereafter, 90% of the amount of newsprint
16 used in the previous year.

17 3. Certification of use. Consumers of newsprint shall make
18 certification to the office as follows.

19 A. Each consumer of newsprint within the State shall, on or
20 before March 1st of each year, certify to the office the
21 amount of newsprint with recycled content used during the
22 preceding calendar year.

23 B. A consumer of newsprint who submits recycled-content
24 newsprint usage certification pursuant to paragraph A, may
25 be subject to an audit to ensure that the recycled-content
26 newsprint was used.

27 C. Each person who supplies a consumer of newsprint with
28 newsprint shall certify the amounts of recycled-content
29 newsprint contained in each shipment to each consumer of
30 newsprint. If a shipment contains no recycled-content
31 newsprint, the supplier shall so certify.

32 D. If a consumer of newsprint is unable to obtain
33 sufficient amounts of recycled-content newsprint within any
34 reporting period because recycled-content newsprint was not
35 available at a comparable price to that for virgin material,
36 or was not available within a reasonable period of time, the
37 consumer of newsprint shall so certify to the office and
38 provide the office with the specific reason for failing to
39 use recycled-content newsprint. In order to make that
40 certification in good faith, the newsprint consumer must
41 have contacted, for the purpose of obtaining
42 recycled-content newsprint, every producer of
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2 recycled-content newsprint that offered to sell
3 recycled-content newsprint to the consumer of newsprint
4 within the last 18 months. The name, the corporate name, if
5 any, and the address and telephone number of each person
6 contacted must accompany each filing with the office.

7 E. For the purposes of implementing and enforcing this
8 section, the office shall:

10 (1) Develop and maintain a list which identifies every
11 consumer of newsprint, as defined in this section, and
12 every person who supplies a consumer of newsprint with
13 newsprint, in the State. The office may use
14 information from local business permits and trade
15 publications or any other relevant information to
16 develop the list; and

17 (2) Conduct a survey of the paper industry to assess
18 the availability of, quality of, and market for all
19 recycled-content papers, including coated groundwood
20 papers and other papers which are not newsprint. The
21 office shall report the findings of its survey to the
22 Legislature on or before March 1, 1994.

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25 4. False certification. If any person provides a consumer
26 of newsprint or the office with a false or misleading certificate
27 pursuant to subsection 3, the office, within 30 days of making
28 this determination, shall refer the false or misleading
29 certificate to the Attorney General for prosecution for fraud.

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31 5. Proprietary information. Specific information on
32 newsprint prices included as part of a certificate submitted to
33 the office by newsprint consumers or suppliers of newsprint is
34 proprietary information and may not be made available to the
35 general public.

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37 6. Penalties. Any person who violates this section commits
38 a civil violation for which a forfeiture not to exceed \$1,000 may
39 be adjudged.

40 41 42 STATEMENT OF FACT

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44 The purpose of the bill is to ensure adequate markets for
45 Maine municipalities seeking to recycle newspapers, which are a
46 major proportion of the municipal waste stream, both in terms of
47 volume and weight. Since municipalities usually pay for trash
48 disposal by weight, recycling newspapers reduces municipal waste
49 disposal costs. Also, newspapers are easily separated at the
50 household level and are easily processed, so they are often a
51 first step for local recycling programs.

2 The bill promotes newspaper recycling by requiring that
3 Maine newspapers be printed on newsprint which has a specified
4 percentage of post-consumer recycled content. This requirement
5 is phased in over time. This bill will create a demand for
6 recycled newsprint, which will help ensure a long-term market for
7 municipal newspaper recycling programs. This bill is fully
8 consistent with, and will help to implement, the new
9 comprehensive recycling law which sets a 25% state recycling goal
10 by 1992 and a 50% goal by 1994.